REPORT
OF THE
SPECIAL COMMITTEE
AGAINST APARTHEID

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-SIXTH SESSION

SUPPLEMENT No. 22 (A/46/22)

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NOTE

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LETTER OF TRANSMITTAL

18 November 1991

Excellency,

I have the honour to send you herewith the reports of the Special Committee against Apartheid - the annual report and the report on recent developments concerning relations between Israel and South Africa - which were adopted unanimously by the Special Committee on 18 November 1991. These reports are submitted to the General Assembly and the Security Council in accordance with the relevant provisions of General Assembly resolution 2671 (XXV) of 8 December 1970 and 45/167 A to H of 19 December 1990.

Accept, Excellency, the assurances of my highest consideration.

(Signed) Ibrahim A. GAMBARI
Chairman of the
Special Committee against Apartheid

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General
United Nations
New York, NY 10017

PART ONE

ANNUAL REPORT OF THE SPECIAL COMMITTEE

I. INTRODUCTION

1. The present report of the Special Committee against Apartheid reviews the political process and economic conditions in South Africa, the external relations of South Africa and the response of the international community to developments in that country, as well as the activities of the Special Committee in that regard. The report, which covers the period from May to October 1991, is a sequel to the interim report of the Special Committee (A/AC.115/L.675), which covered the period from mid-October 1990 to May 1991. That report reviewed, in particular, the compliance of South Africa with the terms set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (resolution S-16/1 of 14 December 1989, annex), which has become the widely accepted yardstick against which the current process of change in South Africa is being assessed.

2. The Declaration encouraged all the parties concerned to seek a negotiated solution to the political conflict in the country; proposed a series of fundamental principles to be enshrined in a new constitutional order and suggested the steps necessary to create an appropriate climate for negotiations. 1/ The Declaration further suggested guidelines to the process of negotiations, including transitional arrangements and the mechanism to draw up a new constitution. It established a programme of action prescribing that the international community should not relax existing measures against the South African regime "until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of this Declaration" (para. 9 (d)), and allowed for the return of South Africa to the fold of the United Nations upon adoption of a new constitution. Subsequent resolutions adopted by consensus by the General Assembly have affirmed the provisions of the Declaration. 2/

II. POLITICAL PROCESS IN SOUTH AFRICA

A. General political situation

3. Overall progress was made in South Africa in the last five months in the process of ending apartheid and towards negotiations on a new constitution. The repeal of major apartheid laws was a most notable development, although little has been done to give practical effect to the repeal. A serious obstacle to the exercise of free political activity remained the persistent violence, which has become a destabilizing factor in the present process and could affect the future of a democratic South Africa. This violence hinders the activities of anti-apartheid political organizations, particularly their efforts to consult with their membership on the constitutional future of the country. In that context, the adoption of the National Peace Accord in September 1991, by the South African authorities, the African National Congress (ANC) and the Inkatha Freedom Party (IFP), among others, generated hopes for peace and reconciliation. Since the implementation of the Accord must be based on consensus, many regard it as a possible forerunner of a negotiating framework. Indeed, the South African Council of Churches (SACC) considered that "the success of this process will open the way for the actual constitutional negotiations" (A/45/1052, para. 110).

4. Progress was made towards establishing unity among the broad democratic forces opposed to Pretoria following the Patriotic/United Front Conference in October 1991. At that Conference, ANC, the Pan Africanist Congress of Azania (PAC) and political, trade union and other organizations reached a significant agreement on a Joint Approach on Constitutional Process. It is envisaged that a meeting of all concerned parties to start negotiations on constitutional issues and on transitional arrangements will be held before the end of 1991. The authorities, the National Party (NP), ANC, PAC and other parties concerned have already elaborated proposals regarding a future constitutional order for South Africa. A growing convergence seems to be developing among them on a number of basic principles to be enshrined in a new constitution, although the NP proposals seem intended to retain veto powers in the hands of the White minority.

5. Several important factors have hindered the process towards negotiations. Foremost among them was the partiality of the regime as shown by the disclosures that public funds had been used secretly to support the activities of political organizations, in particular IFP and the IFP-linked United Workers Union of South Africa (UWUSA). Such revelations contributed to a distrust of the regime's initiatives and strengthened the call by political and other organizations for the establishment of an interim government/transitional authority, which would oversee the transition to a new constitutional order in South Africa. The debate on this issue achieved more urgency in the light of the regime's attempts to begin a process of restructuring the economy unilaterally without the necessary consultations with the parties likely to be affected by such decisions. Reacting to certain policies of economic restructuring, such as the State imposition of the value added tax, the democratic forces point out that, at this point, any fundamental change to the economic and political structure of the country should be the result of negotiations; thus, any such change introduced unilaterally now is seen as an attempt by the regime to perpetuate the

status quo in a modified form. In that context, the overwhelming success of the November 1991 two-day general strike, organized by the democratic trade unions, political and other organizations and involving more than 3.5 million persons throughout the country, demonstrated the widespread support for the demand that the regime negotiate in good faith the economic future and policies of South Africa.

6. Outstanding issues remain that need to be addressed urgently, for instance, the need for full compliance by the authorities with the provisions of the Declaration and with the agreements reached with ANC in May 1990 (the Groote Schuur Minute) and August 1990 (the Pretoria Minute). To this date, many political prisoners are still in jail, in particular, in some of the "independent Bantustans". In that respect, political prisoners have resorted to hunger strikes to demand their immediate release and the health of many of them has deteriorated. Most recently, a political prisoner died in the Central Prison of the Bophuthatswana "independent Bantustan" under circumstances that require an independent judicial investigation. A disturbing development was the release of many political prisoners as part of the release of thousands of prisoners convicted of common crimes. Human rights organizations within and outside South Africa criticized the regime's decision, which, in their view, set a dangerous precedent. They point out that as long as the authorities continue to subvert the agreements reached with ANC on the release of political prisoners, extreme-right groups will continue to claim political status for their members who engage in violent acts against democratic forces; furthermore, the release of common criminals could exacerbate the culture of violence prevailing in the country. It would seem imperative, therefore, that the authorities cease their dilatory tactics and implement fully the agreements concerning the release of political prisoners.

7. In this connection, the second progress report of the Secretary-General on the implementation of the Declaration (A/45/1052) points to the lack of consensus at present on whether all political prisoners have been released. He notes in paragraph 41 that:

> "One of the causes of this problem may be found in a lack of communication and transparency with regard to individual cases. It has been suggested that a procedure, beginning with the establishment and checking of one list of alleged political detainees, be agreed upon. Disputed cases, if any, could be referred to a panel of independent experts or possibly an independent jurist for fact-finding and recommendations. Such a procedure might also be useful with regard to detentions under security legislation and new trials allegedly for political offences."

A welcome development in the current process was the Memorandum of Understanding reached by the South African authorities and the United Nations High Commissioner for Refugees on voluntary repatriation of refugees and exiles and reintegration of South African returnees.

8. Obstacles to the exercise of free political activity persist and the growing culture of violence could have deleterious implications for the present political process as well as for the future of a democratic South Africa. The violence is now targeted and aims at destabilizing democratic

forces and communities in general. This violence, combined with the disclosures of the secret use of public funds, raises grave concern about the control the regime exerts over the security forces. It should be noted that there are innumerable reports pointing to the complicity of elements of the security forces and the extreme right in fostering this persisting violence. In this respect, the National Peace Accord could, if effectively implemented, help bring the violence to an end as it envisages codes of conduct both for the security forces and for political parties and organizations, allows for mechanisms to implement and enforce the provisions of the Accord and proposes specific measures to facilitate socio-economic reconstruction and development in the areas devastated by the violence.

9. The persistence of profound socio-economic inequalities can also affect negatively the current process towards negotiations. While the repeal of major apartheid laws in June 1991 was a positive step, questions remain as to the effective implementation of the repeal of these laws, such as the Land Acts. The recent incorporation of more land into the "independent Bantustan" of Bophuthatswana showed that despite some changes, the consolidation of the Bantustans is still proceeding. Land is an issue of profound concern for the majority of the population in South Africa who underwent a widespread process of land dispossession. Thus, any redress of this situation should necessarily entail consultations with the communities concerned and the establishment of an integral programme of land reform, including the restoration of land rights, the creation of the necessary legal mechanisms to adjudicate conflicting claims to land and a programme of restitution to the victims of forced removals.

10. As was mentioned in the interim report of the Special Committee, a unified and comprehensive policy of economic restitution is necessary to address urgently the serious socio-economic inequalities. Most political parties, movements and other organizations concerned agree that the mere repeal of major apartheid laws will not significantly alleviate the injustices inflicted by apartheid on the black population (see A/45/1052, para. 87, and A/44/960, para. 15). In that connection, the South African Chamber of Business (SACOB) has underlined that "poverty stands in the way of democracy in South Africa. Therefore, concerted efforts will be needed to remove the most glaring areas of unequal opportunity and treatment as soon as possible" (A/45/1052, para. 89).

11. At the international level, the international community has in many ways deviated from the consensus established by the Declaration and subsequent resolutions. Some Member States have considered that it is important to lift some pressure on South Africa in order to promote the process of negotiations and to hasten the adoption of a new constitution. In this respect, the Commonwealth set the path to follow concerning the need to maintain some pressure while, at the same time, promoting assistance to democratic and other forces in South Africa. Likewise, the European Community adopted specific policies and so did individual Member States. A consensus has emerged, both within and outside South Africa, on the need to link the lifting of sanctions to specific progress made towards negotiations and the adoption of a democratic constitution in South Africa.

12. It is expected that substantive negotiations on a new constitution will get under way soon. The mechanism to draft a new constitution and the

necessary arrangements for the transition to a new democratic order are issues to be agreed upon. There seems to be a growing awareness among all parties concerned that negotiations constitute the only realistic option to the end of apartheid in South Africa. In this context, the National Peace Accord, the Joint Approach on Constitutional Process and a number of preliminary agreements among the authorities, business and trade unions on crucial labour issues are initiatives that, in spite of present difficulties, could be the confidence-building measures necessary to promote a climate of peace and reconciliation within which substantive negotiations on the future of a democratic South Africa can take place.

B. Climate for negotiations

1. The impact of violence: measures to address it

13. In his second progress report on the implementation of the Declaration (A/45/1052), the Secretary-General described the wave of violence that has engulfed the country as a "severe test of confidence" and a "serious obstacle to the evolving political dialogue". At least 5,000 persons, nearly all of them Black, have been killed since February 1990, 3,000 of whom were killed between July 1990 and June 1991. 3/ It is estimated that some 45,000 persons have been displaced as a result of the violence. 4/ The toll of victims from political violence thus reached such an alarming level that the major political parties were compelled to negotiate and adopt a National Peace Accord, amidst renewed allegations that the violence was being both orchestrated and targeted towards political activists.

14. From 1 January to the end of August 1991, some 81 persons were killed and 491 injured as a result of actions of the security forces. 5/ The continued failure of the regime to allow independent and impartial investigations of allegations of involvement by police and other members of the security forces in the killing of political activists or in the torture of political detainees remains a cause of grave concern. Nevertheless, investigations by the "Special Task Force", headed by Major-General Ronnie van der Westhuizen, which was set up to investigate unlawful police conduct, led in September 1991 to the suspension of 24 policemen, seven of whom were charged with murder or assault, in connection with a raid conducted in 1988 on a Black township. 6/ A Commission of Inquiry regarding the Prevention of Public Violence and Intimidation was also established in July 1991. However, most complaints of unlawful police actions or acts of omission have yet to be investigated. According to Amnesty International:

> "The number, content and consistency of these complaints have suggested at best a breakdown in the relationship between the police and a large number of the inhabitants of the Black townships and squatter camps. At worst they point to political bias and deliberate and serious breaches of the criminal law on the part of the police". 7/

15. Revelations made in July 1991 on the secret use by the regime of public funds to support the activities of various political parties and other organizations strengthened long-held suspicions of such political bias. The regime admitted having paid some R 250,000 to IFP to finance the organization of two political rallies and having channelled R 1.5 million to UWUSA, a trade

union linked to IFP. 8/ The ANC National Working Committee immediately renewed the call for, among other things, the dismissal of the Law and Order and Defence Ministers and for the public dismantling of all special counter-insurgency forces. 9/ The demotion of both Ministers and the announcement by President F. W. de Klerk that all special projects that could be considered to constitute support for political parties had been cancelled could not allay the general distrust in the ability of the authorities to ensure that the security forces executed their duties impartially. 10/

16. Impartial and efficient action by the police might have curbed the violence that continued in Natal province and in the townships of Transvaal province. The Human Rights Commission (HRC) of South Africa recorded 2,640 vigilante-related deaths between July 1990 and June 1991. An additional 251 persons were killed during the months of July and August 1991, a period during which these incidents spread to the Western Cape region and to smaller rural towns in the Transvaal. 11/ This extreme violence, according to HRC, has "brought terror and chaos into the local community" and has "disrupted normal life and organization".

17. In an attempt to end the political violence, and under the aegis of religious and business organizations, some 23 political parties and organizations, including the South African authorities, ANC and IFP, signed a National Peace Accord on 14 September 1991 at Johannesburg. 12/ The Accord provides for a code of conduct for the security forces, a code of conduct for political parties and organizations, mechanisms to enforce these provisions and measures for the reconstruction and development of communities. A National Peace Committee was also established to monitor the implementation of the Accord, the significance of which is manifold: it is the first multilateral accord on violence; it represents an unprecedented attempt to exert multilateral control over the South African Police and Defence Force through codes of conduct; it has conferred effective moral obligations on the signatories; and above all, it was viewed by many observers as a general rehearsal for the forthcoming all-party talks.

18. The PAC President, Mr. Clarence Makwetu, considered that much of the violence in the townships was being perpetrated not by ordinary persons, but by faceless professional assassins. Stating that, in the light of that serious omission in the Accord, PAC was unable to sign it, Mr. Makwetu proposed instead the involvement of the international community in the investigation and monitoring of the situation in the townships to ascertain responsibility for the violence. This view was expressed to the Commonwealth, the European Community and the United Nations.

19. The impact of the Accord on the ground was immediately perceptible as 37 deaths were recorded in the two weeks following its signing, as compared to 126 persons killed during the two previous weeks. 13/ However, attacks have since resumed, and more than 200 persons were killed between 14 September and the end of October 1991. 14/ It may be difficult to assess the real impact of the Accord until all the structures to implement it are in place.

20. There has been no perceptible decline in the activities of hit squads. The assassination, on 29 September 1991, of the General Secretary of the Civic Associations of Southern Transvaal (CAST), Mr. Sam Ntuli, and the killing of seven ANC supporters, shot at close range on 22 September 1991, highlight a

disturbing pattern of planned attacks on ANC activists and their supporters. The Congress of South African Trade Unions (COSATU) also stated that its members had been the victims of a "wave of attacks" and of a "reign of terror" in the East Rand and Northern Natal. 15/ According to HRC, during the period from June 1990 to June 1991, 34 persons died at the hands of hit squads. 16/ The sudden surge of violence in the days preceding the signing of the Accord points once again to the existence of a "third force" or an "invisible hand" behind some of the most violent acts. 17/ Observers have expressed concern at the apparent capacity of this "third force" to "turn the violence on and off like a tap". The allegations made by a former member of the Fifth Reconnaissance Regiment, Mr. Felix Ndimene, that members of his unit carried out an attack on train commuters at Soweto on 13 September 1990 have renewed fears that hit squads could have a disrupting impact on the present, and possibly on the future, political life in South Africa. 18/

21. Although the frequency of attacks by extreme-right groups continued to decrease, 19/ the Independent Board of Inquiry into Informal Repression, however, described as a "most disturbing development" the very militant stand taken by the Conservative Party during the last few months, possibly in the wake of an incident that occurred in the town of Ventersdorp on 9 August 1991. Three extreme-right sympathizers were killed in clashes between the police and supporters of the Afrikaner Weerstandsbeweging (Afrikaner Resistance Movement) (AWB) during a protest against the visit to the town by President de Klerk. 20/ Thus, a leader of the Conservative Party, Mr. Cehill Pienaar, warned that "if the government is an ANC-controlled one, the future will be violent" and "the possibility of guerrilla war will become real". 21/ It is also to be noted that the Conservative Party did not participate in the negotiations that led to the signing of the National Peace Accord.

2. Political prisoners and exiles

22. The release of all political prisoners is regarded as one of the prerequisites provided for in the Declaration for the creation of a climate conducive to negotiations. Over the past year, the authorities took steps to release certain categories of political prisoners. According to HRC, more than 1,000 such prisoners have been released, 825 of whom were released between January and August 1991. 21/ According to the authorities, by the end of August 1991, a total of 1,145 prisoners claiming political status had been released. 22/ However, HRC also contends that there are still more than 800 political prisoners in South African jails. 23/ Repeated delays and controversies have arisen on the implementation of agreements reached between the authorities and ANC in this regard, leading the Lawyers for Human Rights in South Africa to state that "the issue [the release of political prisoners] remains not only unresolved but highly volatile". 24/

23. Among the controversial features of the method adopted by the authorities to deal with the release of political prisoners is the establishment of "indemnity committees" whose composition, powers and functions prevent them from becoming the Consulting Bodies called for in the Pretoria Minute. 25/ Besides, the exclusion of political prisoners convicted of violent crimes from the process of release is seen by many human rights observers as a violation of previous agreements. Thus, as the ultimate decision to grant political

prisoner status remains in the hands of the regime, there is still a need to set up proper mechanisms to deal with disputed cases. The regime has been criticized for the decision taken in July 1991 to grant a one-third remission of sentence to all "first-class" offenders, which should result in the release of more than 50,000 prisoners, most of whom are prisoners convicted of common crimes. 25/ Furthermore, HRC considers that the regime "cannot avoid ultimate responsibility" for the fate of political prisoners held in the "independent Bantustan" of Bophuthatswana. According to the Mafikeng Anti-Repression Forum (MAREF), there were still 128 political prisoners in that Bantustan on 17 October 1991, 24 of whom went on a hunger strike for several weeks. 26/

24. Lawyers for Human Rights has warned that the "consequences of the current impasse" on the issue of political prisoners could be "many and frightening". 27/ They believe, in particular, that right-wing extremists could take advantage of the continuing debate and commit more acts of terror in the hope that, even if apprehended, they would soon benefit from a general amnesty. They further consider that the impasse only fuels the prevailing "culture of violence" with dire implications for the future of human rights in the country.

25. Little progress was achieved concerning the return of political exiles to South Africa until August 1991; at that date, less than 2,000 exiles, out of an estimated total of 40,000, had returned. 28/ However, with the signing, on 4 September 1991, by the South African authorities and the United Nations High Commissioner for Refugees (UNHCR) of a Memorandum of Understanding on voluntary repatriation of refugees and exiles and reintegration of South African returnees, the process is likely to gather momentum in the next few months. UNHCR, which will be charged with the overall organization of the repatriation operation, has opened an office of chargé de mission in South Africa for this purpose, and will have free and unhindered access to the returnees in South Africa. While the authorities retain the ultimate responsibility and power in deciding to grant amnesty to exiles, they have pledged to take into consideration the recommendations of existing advisory bodies to which UNHCR would make representation on behalf of the refugees and exiles. 29/

3. Other obstacles

26. In spite of certain amendments introduced to the security legislation, the authorities have retained and continued to use their powers of detention without trial against political activists. In June 1991, the South African Parliament passed into law the Internal Security and Intimidation Act, No. 138, of 1991, thus abrogating sections 28 and 50 A of the 1982 Internal Security Act, which allowed for long-term "preventive" detention. However, short-term preventive detention for 14 days (under sect. 50) and witness detention (under sect. 31) remain unchanged. Furthermore, section 29 was only amended, and still allows for incommunicado detention for interrogation for a period of 10 days, renewable by judicial decision. 30/ For the Black Sash in South Africa, the shorter period of detention provided for in the new Act is no guarantee of a detainee's safety since over the years a high proportion of deaths in detention have occurred within the first few days (A/45/1052, para. 53). Amnesty International, therefore, described these amendments as "still falling far short of international standards and providing conditions where torture and 'disappearances' can occur". 31/

27. The Public Safety Act of 1953 remains unaltered and allows for the declaration of states of emergency and unrest areas. At the end of October 1991, nine townships were still affected by these provisions and were subject to curfew. On 28 October 1991, a state of emergency was imposed in the "independent Bantustan" of Ciskei. 32/ The Public Safety Act also permits detention without trial for 30 days. A number of other modifications were made to the Internal Security Act, withdrawing powers of house arrest and internal banishment and eliminating a number of punishable offences (such as the promotion of communism). However, the Internal Security and Public Safety Acts still allow the formal prohibition of gatherings.

28. Arrests of political activists and political trials continue. Over 8,000 arrests were recorded by HRC between July 1990 and June 1991, 2,500 of which occurred during May 1991, a month of mass demonstrations throughout the country. 33/ Some 442 political trials, involving 2,489 accused, were completed between January and August 1991. In its latest report, the Working Group of Experts on Southern Africa of the Commission of Human Rights noted "some progressive trends that could be discerned from recent decisions of the courts of South Africa". 34/ However, the recent conviction, on 15 October 1991, of several COSATU leaders on charges of "kidnapping and assaulting" a security officer does not seem to reflect such trends. As at 30 August 1991, 312 prisoners, 17 of whom were considered political by HRC, were on death row. 21/

C. Institutional structures of apartheid

1. Repeal of major apartheid laws

29. Important progress was achieved as major laws institutionalizing apartheid were removed from the statute books. However, many other laws, such as those pertaining to education, remain. Concerns that the inequalities and dispossession ensuing from those laws will continue to characterize South African society for long years to come have been strengthened by the authorities' reluctance to adopt a comprehensive national programme of redress of the socio-economic problems affecting the majority of South Africans.

30. In June 1991, the South African Parliament adopted the Population Registration Act Repeal Act, No. 114, of 1991, which legally marked the end of race classification in South Africa. However, while babies born after June 1991 will not be racially classified, the new Act allows for the retention of the present population register until the Republic of South Africa Constitution Act of 1983 is abrogated. In the meantime, such issues as social pensions and education are still administered on an "own affairs" basis. Thus, for instance, different pensions are paid to the various racial groups: R 225 per month for Blacks, R 263 for Coloureds and R 304 for Whites. 35/

31. The Abolition of Racially Based Land Measures Act, No. 108, of 1991, also adopted in June 1991, annulled the Group Areas Act, No. 36, of 1966, the Black Land Act, No. 27, of 1913, the Development Trust and Land Act, No. 18, of 1936, and the Black Communities Development Act, No. 4, of 1984. Black South Africans are now legally able to buy or occupy properties anywhere in the country. The new Act, however, does not envisage restitution for communities

dispossessed under the provisions of the Group Areas Act or the Land Acts, most of whom lack the financial means necessary to regain properties lost during forced removals.

32. A section was subsequently added to the new Act, to provide for an advisory commission, to which the victims of such removals can present claims for compensation. Since the commission's mandate is limited to reallocations of land still held by the State and its powers are only advisory, the new law, therefore, is likely to entrench the current land ownership and occupation pattern. Furthermore, a Residential Environment Bill, initially to be enacted separately, was incorporated into the Abolition of Racially Based Land Measures Act. A chapter on "norms and standards in residential environments", allowing a majority of the owners of residential premises to draft bylaws regarding the election of neighbourhood committees, the overcrowding of premises, the use of buildings and their repair and maintenance, could thus be used to maintain racially segregated areas.

33. The Interim Measures for Local Government Act, adopted during the same parliamentary session, provided for local communities to negotiate their own models of joint local government. Whereas the Act gives a legal basis to voluntary agreements adopted by various municipalities, it lacks enforcement mechanisms that would prevent local government bodies from maintaining their present racially exclusive structures.

34. The Secretary-General pointed out in his second progress report that "while the most basic laws of apartheid ... were removed by last June, many of the concomitant attitudes and practices, as indeed the consequences of these laws, do persist" (A/45/1052, para. 8). Without specific additional legislation or other measures, which would encourage individuals and communities into shedding such attitudes and practices, it is likely that the socio-economic disparities created by the present system will last beyond the repeal of such apartheid laws.

2. Socio-economic inequalities

35. Estimates of per capita income in South Africa for 1991 illustrate the magnitude of the persisting socio-economic inequalities: this income is R 20,600 for Whites, R 8,100 for Asians, R 5,900 for Coloureds and R 2,400 for Blacks. Less than 2 per cent of Whites, as compared with 53 per cent of Blacks, live below the poverty line. 36/ The situation is particularly dramatic in the rural areas of the "Bantustans", where, according to some sources, 85 per cent of Black households have an income below the minimum subsistence level. 37/ A report released early in 1991 also indicated that 2.3 million South Africans suffered from malnutrition. 38/

36. In its report on "Human Resource Development for a Post-Apartheid South Africa", the Commonwealth Expert Group called for an "economic strategy designed to tackle poverty, create new jobs and provide basic services for education, health, housing and welfare". A similar assessment was made, in July 1991, by the leaders of the Group of Seven, who stressed the "urgent need to restore growth to the economy to help reduce inequalities of wealth and opportunity". 36/ The Secretary-General, in paragraph 10 of his second progress report (A/45/1052), also called for a "comprehensive national

programme of redress". While the authorities have lately devoted greater attention and resources to the provision of basic social services (38.2 per cent of total budgetary expenditure were allocated to social spending in the 1991/92 budget and R 3 billion to the Independent Development Trust for social upliftment programmes), they have apparently failed, until now, to adopt such an overall approach to socio-economic problems, dealing instead with the most pressing needs of the majority of the South African population on a case-by-case basis.

37. In this respect, COSATU has recently launched a campaign for the establishment of a national negotiating forum on the economy. This forum, which would involve all major economic actors, would aim at reaching binding agreements on broader economic issues. The campaign has gathered momentum as tensions have increased between the main trade unions, namely, COSATU and the National Council of Trade Unions (NACTU), on the one hand, and the authorities, on the other, resulting in COSATU's withdrawal from the National Manpower Commission (NMC) and the failure to reach an agreement on the adoption of the value added tax. COSATU considers that the regime has failed to implement an agreement to restructure NMC from its present form as an advisory body to a negotiating forum representing all major parties. COSATU and NACTU strongly opposed the modalities of the imposition of the value added tax, contending that some items such as basic foodstuffs and medical services should be zero-rated and that poverty relief programmes should have been "properly negotiated". 39/ Stressing that the regime was attempting to restructure the economy unilaterally and was reneging on its previous commitments made to the trade unions, COSATU and NACTU called for a general strike on 4 and 5 November 1991, which was overwhelmingly successful. More than 3.5 million persons joined the strike, which achieved between 80 and 100 per cent support throughout the country and practically paralysed the economy.

38. These tensions follow a period during which substantial progress was achieved in the field of labour legislation. With the enactment in February 1991 of the Labour Relations Amendment Act, which both removed several restrictive amendments introduced to the Labour Relations Act in 1988 and entrenched basic workers' rights, the general climate of industrial relations experienced some improvement. NMC issued recommendations for the increased protection of farm and domestic workers' rights. These recommendations, however, have not yet led to concrete legislative or administrative measures, as amendments to the Basic Conditions of Employment Act and the Employment Insurance Act will not be legislated to this effect before 1992, and as the Wage Act is not likely to be modified before 1995.

39. Recent tensions in the relations between labour and the State are all the more regrettable since the high level of unemployment and skill shortages require urgent action. Estimates of unemployment rates presently range from 25 to 31 per cent of the economically active population. 40/ According to the Development Bank of Southern Africa, between 1985 and 1990, only 8.4 per cent of all labour market entrants found jobs in the formal sector. 41/ The Commonwealth Expert Group characterized this labour market as "distorted in favour of unproductive occupations with shortages of skilled labour appropriately trained for an economy capable of growth". 42/ Some figures illustrate these distortions: 96 per cent of top management jobs in public administration are filled by Whites; only 2.2 per cent of managers in South

Africa's top 100 companies are Blacks; there is not a single Black actuary in the country. 40/

40. The lack of skilled Black workers is closely linked to the apartheid education system. The Development Bank of Southern Africa found that nearly 30 per cent of the South African population was totally illiterate and another 38 per cent was probably functionally illiterate. 41/ Such high figures are easily explained: in the mid-1980s, the drop-out rate of all Black pupils between Standard 1 - the first year of primary education - and Standard 6 - the first year of secondary education - was 50 per cent, whereas that of White pupils was below 1 per cent. 42/

41. The authorities have increased education spending, which now represents 22 per cent of total budgetary expenditure (A/45/1052, para. 95). However, the State still spends five times as much for the education of each White child as for that of each Black child. 43/ So far, the opening, on a voluntary basis, of some 205 White schools has only affected some 5,000 Black students. Classrooms in Black schools are still vastly overcrowded, with as many as 90 students per class. The overall teacher/pupil ratio is still of one teacher for 40 pupils in Black schools, while it is of one teacher for 17 students in White schools. 38/ It is estimated that some two million Black children cannot be accommodated in the present school system, while there are 307,000 vacancies in White schools. 42/ The authorization recently given to education authorities to share unused or underutilized facilities "whenever feasible", though a positive step, cannot suffice to meet the urgent needs of Black students.

42. The Commonwealth Expert Group therefore called for a "whole-scale restructuring of the existing education system at primary, secondary and tertiary levels" and for "major education reforms". In a discussion document on an education renewal strategy issued in June 1991, the authorities acknowledged the need for a new, non-discriminatory educational system offering equal opportunities to all students. However, the report emphasized the need to preserve freedom of association and to accommodate diversity. Noting that the report had made no explicit mention of multi-racial education, the South African Institute of Race Relations (SAIRR) pointed out that the report's recommendations "form only a small initial step of the process". 44/ A Joint Working Group on Education, formed in February 1991 by the authorities and prominent educationalists representing, among others, the National Education Coordinating Committee, has failed so far to achieve concrete reforms to the educational system.

43. In May 1991, the South African authorities also launched a National Health Plan, aimed at rationalizing the provision of health services. According to this Plan, academic hospitals will become autonomous bodies and while regional authorities will remain in charge of secondary health services, the provision of primary health care is to be devolved to local authorities. 45/ Medical and other organizations concerned welcomed this new emphasis on primary health care. ANC recently pointed out that "the per capita expenditure by the State on health care for Whites is still four times more than for Blacks". 46/

44. In its interim report, the Special Committee noted that the policy of desegregation of provincial public hospitals, announced in May 1990, had

generally not been implemented. Allegations continue that some hospitals in the Orange Free State and Transvaal provinces are still segregated. 38/ Some observers argue that the shortage of hospital beds for Blacks is so acute that making all 11,700 unused beds in White hospitals available to all races would hardly reduce the shortfall. The lack of trained Black doctors is also a matter of great concern as, in 1990, only 1,000 out of 21,000 South African doctors were Black. 38/

45. The authorities have also implemented a number of measures aimed at reducing the backlog in housing for Blacks. The Upgrading of Land Tenure Rights Act, adopted in June 1991, provides for the automatic conversion of some 300,000 existing leasehold and deed rights in townships to full ownership. Besides, the authorities allocated R 1.56 billion of total budgeted spending in 1991/92 to housing and urban infrastructure. A number of housing finance schemes were also set up, such as a capital subsidy scheme run by the Independent Development Trust to assist 100,000 first-time buyers to acquire a serviced site. 38/ It is envisaged that more than 90,000 families will be given access to housing or serviced sites during the 1991/92 financial year. SAIRR points out that these schemes still fall short of the 174,000 housing units needed to be built every year for 20 years to eliminate the housing backlog and house new families. 38/

46. The persisting discrepancy between housing needs and available infrastructure can only lead to an increase of squatter communities, since the repeal of the Group Areas Act has had little impact on the prospects of leased accommodation for Blacks. While the authorities have indicated their willingness to "guide the homeless who seek a livelihood in the urban areas towards land which is suitable for less formal settlement and on which at least rudimentary but upgradable services are available", they have also warned of the need to enforce anti-squatting legislation more efficiently. 47/ Following the announcement, in June 1991, that "special squatter auxiliary units" would be formed to assist the local authorities in dealing with squatters, ANC denounced what it called a "declaration of war against squatters". 48/

47. Likewise, the repeal of the Land Acts is unlikely to reduce significantly existing disparities in land available to Blacks and Whites, as most of the land being offered for purchase is in the 13 per cent of South African territory already allocated to Blacks. 49/ Observers point out that a new round of forced removals could even prove necessary to transfer ownership of land from the authorities to private buyers. The authorities have undertaken to offer equal access to agricultural services structures (such as marketing, finance or other assistance programmes) to all South Africans; however, the majority of Black rural communities are so impoverished that they will only be marginally affected, in this field as in others, by the legal changes that have occurred, unless profound measures of redress are adopted.

48. Recognizing the magnitude of the socio-economic inequalities and their impact on the future development of the country, democratic organizations in South Africa have begun to elaborate proposals on a post-apartheid economy and all issues related to it. In that context, the ANC Land Commission has begun a comprehensive discussion on a future policy on land. Such issues as education and housing have also been under scrutiny by ANC. Between 18 and 24 October 1991, PAC held a seminar on its future economic policy. Over 40

prominent economists participated and several papers were presented, including one entitled "Land Question and Land Reform/Utilization (including agriculture)".

D. Developments in the process leading to negotiations

49. While the persisting violence and the profound socio-economic inequalities represent a threat to the process of change, steady progress was achieved, nevertheless, towards the beginning of substantive broad-based negotiations, as most parties concerned outlined their proposals on the process to be followed in these negotiations and on the main principles that should underlie a future constitution. A convergence appears to be developing among them with regard to these principles, basically, around those envisaged in the Declaration. All agree, for instance, on the need for the constitution to include a bill of rights and have underlined the importance of the separation of powers and of a strong and independent judiciary. Most parties have also called for universal franchise in a multi-party democracy, and have proposed that a bicameral legislature be elected on the basis of proportional representation.

50. Major discrepancies persist, however, between the constitutional models proposed thus far. NP's constitutional proposals, published in September 1991, focus a great deal on the need to protect minority rights and on electoral and administrative procedures necessary to guarantee these rights. Meanwhile, in its discussion document on constitutional principles issued in April 1991, ANC emphasizes the need for a two-chamber parliament and, in addition to regional administrations, a strong and effective central government that would be given the means to implement far-reaching social and economic reforms. 50/ PAC has reiterated its agreement with the fundamental principles outlined in the Declaration and called for "self-determination, non-racialism, the return of the land to the dispossessed and the creation of an Africanist socialist democracy with guarantees not for minorities but rather for human rights". 51/

51. Differences also remain regarding the mechanism to draft a new constitution and transitional arrangements and modalities. The Declaration calls for an "agreement on the mechanism for the drawing up of a new constitution ... and the basis for its adoption", and for "agreed transitional arrangements and modalities on the process of the drawing up and adoption of a new constitution, and for the transition to a democratic order, including the holding of elections" (resolution S-16/1, paras. 8 (a) and (c)). In the debate that has begun around these mechanisms and arrangements, the forum that should draft the new constitution remains a contentious issue. The authorities have called for multi-party negotiations to design a new constitution, which would then be submitted to a referendum. They have proposed, therefore, the convening of a multi-party conference, which could "make decisions on its leadership, its rules of procedure, its agenda and any other matters deemed to be relevant to its mandate" and which would "aim at setting in motion a process through which consensus in a future constitutional negotiating forum may be reached" (A/45/1052, para. 121).

52. Most anti-apartheid forces, meanwhile, have called for a constituent assembly, chosen in a non-racial election, to write the new constitution. At

its forty-eighth National Conference, held in July 1991, ANC thus reaffirmed the crucial importance of the following steps: (a) the convening of the all-party congress; (b) the installation of an interim government; (c) the adoption of a democratic constitution and the election of a parliament of all the people of South Africa. 52/ According to PAC, "a democratically mandated constituent assembly is the ideal and most desirable way to establish legitimate government" in South Africa. 53/

53. The convening in Durban, from 25 to 27 October 1991, of a Patriotic/United Front Conference, attended by some 90 organizations, and the resulting agreement reached by ANC and PAC on a number of crucial political issues represented a major step towards the beginning of negotiations. Both organizations agreed to participate in an all-party congress/pre-constituent assembly meeting, which has been scheduled for the end of 1991. In their view, the meeting should "underwrite the constitutional principles, find the modalities for drawing up the constitution through the constituent assembly, realize the establishment of the interim government/transitional authority, ensure the reincorporation of the Bantustans, define the role of the international community, and agree upon the time-frame to bring about a democratic order". 54/

54. Statements issued following talks held between ANC and the authorities in October 1991 also reflected the growing consensus on the urgent need to convene a conference of all concerned parties. 55/ Divergences still persist, however, on the agenda and decision-making procedures of such a conference, as well as on the organizations that should sponsor it. At the Patriotic/United Front Conference, ANC and PAC reiterated their refusal for the all-party congress/pre-constituent assembly meeting to be sponsored by the authorities and called, instead, for "independent and neutral convenors". 56/ Although no list has been officially drawn yet of the organizations and parties to be invited to participate in the talks, the Conservative Party is the only important political actor so far to have rejected altogether the idea of a conference of all parties.

55. With the exception of IFP and the Conservative Party, other parties and organizations have called for transitional arrangements to govern and administer the country until a new constitution is in place. Meeting at Harare in August 1991, the joint executives of PAC, the Black Consciousness Movement (BCM) and the Azanian People's Organization (AZAPO) discussed the formation of the Patriotic/United Front. They agreed that a "transitional authority", with a more limited scope, was essential to ensure that elections for a constituent assembly were free and just. 57/ COSATU also supports the call for a "sovereign interim government", emphasizing in particular the need to prevent the present authorities from "unilaterally restructuring the economy". COSATU has therefore linked the issue of an interim government to its campaign for the setting up of a National Negotiating Forum on the Economy, which would allow workers to participate in the design and implementation of economic policies. 39/ The Patriotic/United Front Conference further specified the role of an interim government/transitional authority by stating that it should "at least control security forces and related matters, the electoral process, state media and defined areas of budget and finance, as well as secure international participation". 54/

56. The position of the authorities regarding transitional arrangements has evolved somewhat during the past few months. While they first refused to consider that "in a sovereign, independent State, the present, legally constituted government should relinquish its powers and simply hand over its responsibilities to some temporary regime", they have recently indicated that they would, in fact, give consideration to certain transitional arrangements on the various legislative and executive levels to give non-parliamentary parties and organizations a voice in the formulation of important policy decisions. 58/

E. Economic situation

1. Overview

57. Present and foreseeable political developments in South Africa have major implications for the economy. The need for a resetting of economic priorities towards the correction of socio-economic imbalances determined by race and the progressive reduction of unemployment has become widely accepted, although the policies to achieve these objectives are still a matter of intense debate. A vast amount of resources, through both budgetary and private sector channels, will be required to meet the growing expectations of the majority of the population. Fulfilling some of these expectations for socio-economic improvement while at the same time creating a climate for renewed growth represents a major challenge to the present and future Government of South Africa.

58. The structural adjustment policy of fiscal and financial discipline begun in 1988 to contain demand pressures and control inflation continued during the period under review, despite the increasing pressure on the authorities to reflate the economy and create more jobs, particularly in the light of the 3.2 per cent decline in per capita income registered last year. 59/

59. The main results of this policy have, thus far, been a contraction in both domestic demand and output with a consequent rise in unemployment. The marked deceleration in monetary growth had little effect on the inflation rate owing to the increase in oil prices during the Iraq-Kuwait conflict. The current account surplus, however, has further increased, as well as official reserves, while the capital account benefited from a net inflow in the first quarter of 1991.

60. On the domestic front, policies for tax reform, particularly the scope of the new value added tax, met with strong opposition from labour unions and other anti-apartheid forces, which proposed the establishment of a national negotiating forum on the economy involving all concerned in the debate on economic policy. 60/

61. On the external front, the gradual erosion of sanctions since the beginning of 1990 resulted only in limited capital inflows, owing largely to the political instability and economic uncertainty in the country, as well as to adverse developments in international capital markets. Although the debt burden has been relatively eased by the past three rescheduling arrangements, South Africa remains a net capital exporter.

62. In perspective, while an internal political settlement is a necessary condition for a sustained revival of economic development, it is far from being a sufficient one. Other priorities include a rise in the country's access to savings, both domestic and foreign; the development of an environment conducive to expanding business investment; and the promotion of an efficient allocation of resources. The following sections analyse in more detail recent economic developments in South Africa.

2. Economic performance

63. The recession that started in the fourth quarter of 1989 continued during the first six months of 1991. Economic conditions worsened further during the Iraq-Kuwait conflict, which produced a sharp increase in the cost of oil imports without a compensating rise in the price of South African gold and platinum exports. Overall, the economy registered a contraction of 0.9 per cent in real terms last year and a zero real growth is expected for 1991. 61/

64. The fall in real output in 1990, initially limited to the primary sector, involved all principal sectors of the economy, with the exception of services. Statistical data up to the first quarter of 1991 show the sharpest decline in agriculture (-22 per cent from the peak of the third quarter of 1989), followed by mining (-2.4 per cent) and manufacturing (-1.6 per cent). 59/ However, these figures should be treated with caution, as they omit the contribution of the informal sector, which has significantly risen in recent years, currently representing about 8 per cent of gross domestic product.

65. The average level of total real gross domestic expenditure during 1990 was 3.1 per cent lower than in 1989 and is expected to increase by 2.5 per cent in 1991 (see table 1). Last year's decline was attributable in the main to a 3.1 per cent fall in the volume of merchandise imports and a smaller decrease in domestic fixed investment (-1.4 per cent). The drop in imports also contributed to a significant improvement in the current account surplus, which rose by a significant 87.1 per cent to R 5.8 billion for 1990 from R 3.1 billion in 1989. In the first months of 1991, the level of the surplus declined to a seasonally adjusted rate of R 3.9 billion, and a surplus of a similar size is expected for the entire year, in view of a slower growth in the world economy and the poor outlook for agricultural and gold exports.

66. The growth of private consumption in 1990, expected to decelerate at 0.7 per cent in 1991, was supported by wage increases in excess of observed inflation rates, which were obtained by most trade unions in recent wage settlements. According to the South African Reserve Bank, the rate of increase in nominal wages per worker declined marginally from 18.0 per cent in 1989, but it still amounted to 16.7 per cent in 1990. 59/

Table 1. South Africa: main economic indicators, 1989-1991

(Percentage of annual change at constant 1985 prices)

	1989	1990	1991 a/
Gross domestic product	2.1	-0.9	-
Gross domestic expenditure	-0.8	-3.1	2.7
Private consumption	2.3	1.5	0.7
Government consumption	3.4	1.0	2.1
Gross fixed investment	4.2	-1.4	-3.8
Exports	9.3	3.4	-2.4
Imports	0.5	-3.1	5.0
Current account balance	14.8	87.1	-31.0
Consumer prices	14.7	14.4	14.4

Source: South African Reserve Bank, Quarterly Bulletin, Pretoria, June 1991, and Economist Intelligence Unit, South Africa Country Report No. 3, London, 1991.

a/ Forecast.

67. Real gross domestic fixed investment declined by 1.4 per cent in 1990, as a direct consequence of high interest rates, weaker commodity prices and slower growth in some of the major industrialized markets. Only investment in manufacturing, which is predominantly in the private sector, surged by over 20 per cent in real terms in 1990, though the level of new investment spending in that sector was still lower than in 1982 and 1983. At the same time, the unfavourable investment climate is confirmed by the trend in the deterioration of business confidence. According to the SACOB index, business confidence decreased during 1990 to an average of 92.3 per cent, reaching in February 1991 its lowest level (87.3 per cent) since 1986. The index recovered only slightly to 88.6 per cent in both May and June 1991. 62/ In view of the stagnation in the economy, the postponement or cancellation of many large investment plans in the gold mining industry and the renewed violence and political uncertainty, the Economist Intelligence Unit anticipates a further drop in fixed investment of 3.8 per cont for 1991.

68. Real government expenditure, which rose by 2.5 per cent in fiscal year 1990/91, is set to expand only slightly in the 1991/92 fiscal year. To stimulate economic growth, the authorities provided tax incentives to business, namely, a reduction in corporate tax from 50 to 48 per cent, a decrease in import surcharges and a full rebate of the new value added tax on capital and intermediate goods.

69. The introduction of the value added tax on 30 September 1991 was an unpopular measure, as it hit the lower income groups harshly; applied to most foodstuffs, it is projected to cost consumers almost R 2 billion a year. Because of protests, its rate has been recently reduced to 10 per cent from the original 12 per cent level, and the tax has been associated with a package of measures to relieve the pressure on the poor and defuse the growing

opposition to its application. In particular, some basic foodstuffs, state hospital services and medicines, as well as trade union subscriptions, have been exempted from value added tax, and an additional R 150 million has been added to the original R 220 million to be spent in direct relief to the poor. Yet the overall amount does not seem to be sufficient to protect the estimated 44 per cent of the population living below the poverty line of R 695 a month. Meanwhile, concessions to the corporate sector will be provided mainly through a large increase of the tax burden on individuals, with a rise of 27 per cent in personal income tax.

70. Government spending shows a further shift away from defence (-9 per cent) and towards social services, which now account for 38.8 per cent of the total. Included in the budget is a significant 53 per cent increase to be used in the expansion and modernization of the police force. 63/ Compared to the previous budget, expenditure for education increased by 16.1 per cent; for health by 8.9 per cent, while the amount for housing decreased by 10 per cent, though the last figure is supplemented by efforts of such bodies as the Independent Development Trust. Notwithstanding the increase in social spending, it is estimated that a sum of R 20 to R 30 billion would be needed every year to achieve parity in the living standards of the Black population compared to the White population. 64/

71. In the analysis of the current recession, the South African Reserve Bank underlines "the apparently increased importance of structural, as against cyclical, determinants of several aspects" of the economy's behaviour. 65/ These elements may also hinder long-term economic growth.

72. Firstly, inflation, at 14.4 per cent in 1990 and up to 15.6 per cent in August 1991, is clearly affected in the short term by cost factors such as the rise in oil prices. Yet deeply entrenched inflationary expectations appear to be a more important factor in explaining persistently high rates than cyclically excessive effective demand. In addition, the large number of economic sectors dominated by monopolies determines a high level of price rigidity.

73. Secondly, recent declines in the ratio of personal saving to disposable income, down to 1.3 per cent in 1990 from 1.5 per cent in 1989 and an average 3.3 per cent in the period 1986-1988, though related to the preference of many individuals for maintaining current consumption levels rather than saving during cyclical downturns of real disposable income, are also the result of a structural redistribution of disposable income in favour of lower income groups with a lower propensity to save.

74. Thirdly, non-agricultural labour productivity declined in 1990, partly in relation to increased industrial action. The number of man days lost because of strikes and work stoppages increased by 33.3 per cent from 1.5 million in 1989 to 2.0 million in 1990. In the first six months of 1991, strike action levelled off, although there was a marked acceleration in strike activity during the third quarter of the year, bringing the total man days lost for the nine-month period close to the two million mark. Wages and grievances were the main trigger factors for strikes. 66/

75. Fourthly, unemployment has remained relatively stable in relation to shifts in the business cycle. Current high levels of unemployment, which are not dissimilar to those occurring during the 1986/89 upswing, are associated, to a large extent, with the decrease in capital accumulation, a major cause of the poor growth of the economy in recent years. Meanwhile, a steady annual 3 per cent rate of growth of Black labour implies that many work-seekers enter the informal sector, which is estimated to employ a considerable part of the four million workers without formal jobs. The risk remains that the existing economic gap between Whites and Blacks (average wages for Blacks remain generally at around one third of the corresponding wages for Whites in non-primary industries) will be exacerbated by the growing gap between those employed and the unemployed or underemployed.

76. The damaging social effects of the present high levels of unemployment are best illustrated by the case of the mining industry. The low price of gold in world markets, associated with oversupply in the gold industry and its inability to modernize, has led to a large-scale retrenchment of mineworkers. Employment has dropped from 525,000 workers in 1987 to 440,000 in 1990, leading to an increased movement of workers from mining areas to the squatter communities around the cities. 67/

77. Large-scale unemployment and retrenchment triggered by the recession and the political instability have recently determined a certain shift in trade union policy towards bargaining. The agreements reached in the mining and steel industries in the summer of 1991 represent a departure from the previous trend of wage settlements as they include productivity parameters and a form of profit-sharing constituted by a lower increase in basic wages coupled, in the case of the gold industry, to bonuses linked to the price of gold. They also incorporate a charter of industrial conduct aimed at ending violence in industrial disputes, entrenching union rights and giving workers a greater role in the management of their living conditions.

III. EXTERNAL RELATIONS OF SOUTH AFRICA

A. Trade and transport links

78. After a substantial improvement in 1990 (see table 2), South Africa's balance of payments is expected to produce a lower current account surplus in 1991 of up to R 4 billion, against the previous year's R 5.8 billion, as a result of a slower growth in the international economy and the poor outlook for agricultural and gold exports. 61/ Latest available data regarding the first quarter of 1991 show a considerable decline in exports and a substantial increase in imports. These developments were, however, affected by exceptional circumstances, such as the Iraq-Kuwait conflict, and hardly represent a shift in the current trend.

79. During the period under review, several countries lifted their sanctions against South Africa. In April 1991, the European Community announced the lifting of the 1986 ban on the import of South African iron, steel and gold coins (krugerrands), subject to a parliamentary waiting reserve entered by Denmark. Finland repealed its trade and trade credits sanctions in July 1991. The United States economic sanctions against South Africa, set by the Comprehensive Anti-Apartheid Act of 1986, were also lifted in July 1991. The repealed legislation involved, among others, most trade with South Africa, including the import of gold and other minerals, oil and refined petroleum products, coal, textiles and agricultural products, computer exports to the Government of South Africa, as well as nuclear products and technology and air links with Pretoria. However, state and local laws remained. 68/

Table 2. South Africa: current account of the balance of payments, 1988-1991 a/

(Millions of rand)

	1988	1989	1990	1990 (Quarterly) 1	1991 1
Merchandise exports	31 267	39 085	42 385	41 660	41 840
Net gold exports	16 622	19 228	18 070	17 793	17 328
Merchandise imports	38 940	44 322	44 100	43 577	47 474
+ service receipts	7 686	9 754	10 840	10 515	11 425
- service payments	16 992	20 857	21 712	20 772	21 712
Current account balance	2 728	3 108	5 787	5 577	1 489

Source: South African Reserve Bank, Quarterly Bulletin, Pretoria, June 1991.

a/ Quarterly figures expressed at seasonally adjusted annual rates.

80. Other countries also lifted their measures: to note, Israel lifted its sanctions in July 1991, including the oil embargo; Hong Kong repealed its bans in August 1991, while Austria suspended its economic measures in September 1991 for a year, after which the Government would assess whether Pretoria had continued to make progress towards dismantling apartheid. Finally, Japan lifted most of its economic sanctions in October 1991.

81. According to the Monthly Statistics of Foreign Trade of the Organisation for Economic Cooperation and Development (OECD), South Africa's main trading partners in 1990 remained Germany ($US 4.9 billion), the United Kingdom of Great Britain and Northern Ireland ($3.9 billion), Italy ($3.5 billion), the United States of America ($3.5 billion) and Japan ($3.3 billion). Among them, the United Kingdom (with an increase of 21.9 per cent) and Japan (with a reduction of 13.8 per cent) showed the most significant changes as compared to the previous year, while the other three countries reported small changes. The next major partners in 1990 were Taiwan, province of China ($1.9 billion) and France ($1.3 billion).

82. Commercial relations of South Africa with Central and Eastern Europe are also developing. In particular, preferential trade agreements signed in September 1991 with Czechoslovakia, Hungary and Poland were aimed at increasing bilateral trade and economic cooperation. 69/

83. South African trade with the rest of Africa registered the fastest growth in recent years. Although official figures are withheld by Pretoria, it is estimated that such trade was worth R 7 billion to R 10 billion in 1990, and that it increased by 40 per cent in 1989 and by 22 to 30 per cent in 1990. Around 90 per cent of Pretoria's trade with the continent is reported to be with the southern African region. The economic reintegration of a post-apartheid South Africa might further develop existing relations. 70/

84. The commodity composition of South African exports indicates that gold, still by far the largest source of export earnings ($6.9 billion in 1990), registered a drop in its share of the total from 38.5 per cent in 1988 to 29.8 per cent in 1990. Base metals, with a share of 15.0 per cent ($3.5 billion), and mineral products, with 12.0 per cent ($2.8 billion), followed. Among imports, machinery ($5.1 billion) remains the most important item, with a share of 30.0 per cent of the total, followed by transport equipment ($2.2 billion), chemicals ($1.8 billion) and oil ($1.5 billion). 61/

85. According to the Amsterdam-based Shipping Research Bureau, the lifting of the oil embargo by Finland, Israel and the United States will not affect the availability of oil to Pretoria, as those countries have not been a source of crude oil for South Africa. On the other hand, a steady growth of the demand for fuel in South Africa is apparently being matched by a growth in imports of refined petroleum products, which are not covered by the European Community oil embargo nor by the Norwegian oil transport ban. 71/

86. As regards international air links, during the period under review South Africa established regular flights to an increasing number of countries. 72/ Increased air links were related to the growth in the number of foreign visitors to South Africa, which rose by 10.6 per cent in 1990 to 1.02 million, bringing a record R 2.47 billion in foreign exchange. By the year 2000, the

South African Tourism Board (SATOUR) expects more than two million foreign tourists, attracting an estimated R 7 billion a year in foreign exchange earnings. 73/

B. Loans and credits

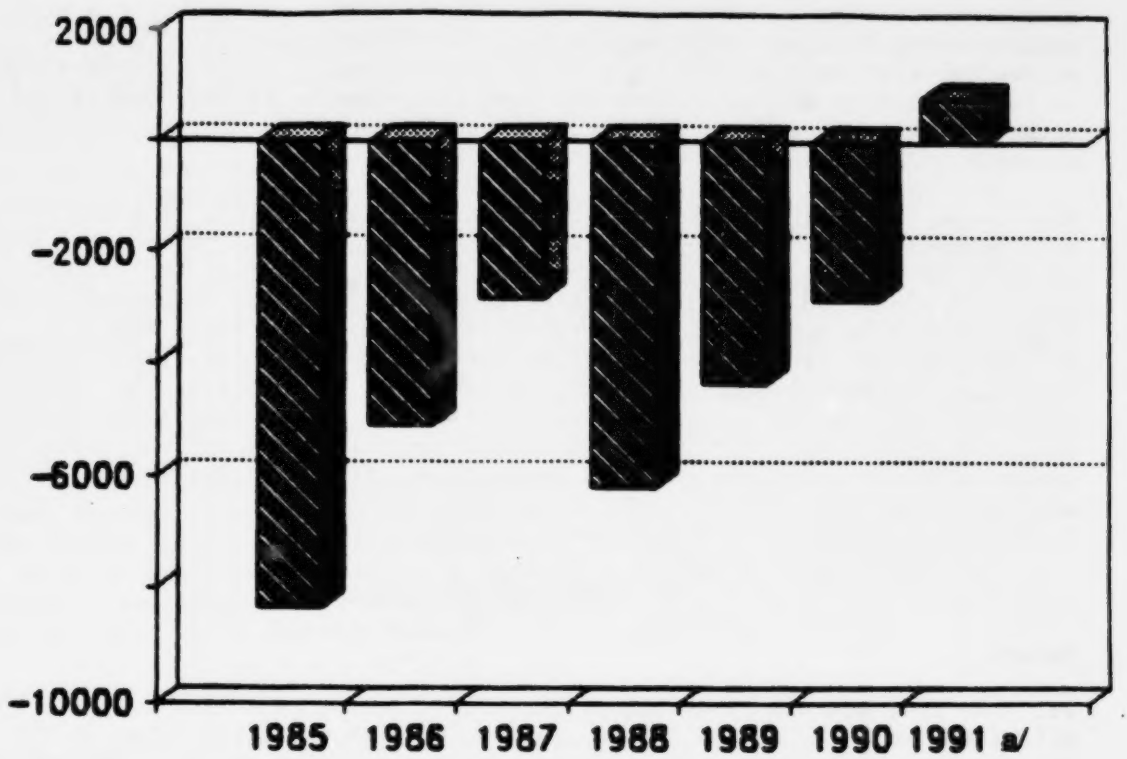
87. Net outflows of capital have been transformed into net inflows in the first quarter of 1991 (R 800 million). According to the Economist Intelligence Unit, "so long as the international political optimism about South Africa continues there could well be a net capital inflow for 1991 overall". 61/ A trend towards a reduction of net capital outflows became apparent following the three rescheduling arrangements and the recently improved perception of political risk in South Africa (see figure). However, it should be noted that the recent capital inflows are largely short-term trade financing (estimated at around R 5 billion in 1990). 74/ This type of financing is highly volatile and cannot be relied upon to relax the current account constraint resulting from the debt repayment requirements.

88. South Africa's total foreign debt decreased at the end of 1990 to $19.4 billion from $20.6 billion in the previous year. During the same period, debt also decreased as a percentage of total South African exports, from 79 per cent to 70 per cent.

89. Observers point out that it is unlikely that commercial banks will resume lending to South Africa even though the country's external debt situation has improved. 75/ However, South African borrowers are gradually returning to the international bond markets. Initially activity has been restricted to the private bond markets of Germany and Switzerland, with placements aimed at refinancing maturing issues. In May 1991, however, ESKOM, the State electricity utility, placed a $50 million bond issue with a group of international investors, representing the first "new money" raised by a South African borrower since the 1985 debt standstill. In addition, in September 1991, South Africa made its return to the international public debt market, after a six-year absence, with a five-year issue lead-managed by the Deutsche Bank and a syndicate of banks dominated by German institutions. The DM 400 million bond would refinance a DM 200 million bond maturing at the end of this year, with the rest representing "new money".

90. In the first nine months of 1991 there have been eight bond issues, worth $554 million, doubling the previous year's total and showing a further increase in their average maturity to more than four years. Notwithstanding these developments, which signal a major improvement in South Africa's access to international capital markets, observers within and outside South Africa consider that financial sanctions continue to be an effective form of pressure towards change in South Africa. It should be underlined that the total amount raised thus far in 1991 is less than the R 2.1 billion of maturing bond issues, therefore the flow of long-term bond finance remains negative. Furthermore, South African bonds have so far attracted mostly a limited segment of the investor base, namely, retail investors and smaller speculative financial institutions. Finally, the borrowing obtained in 1991 is still around one third the levels of the early 1980s. 76/

Figure. South Africa: total capital movements not related to reserves, 1985-1991



Source: South African Reserve Bank, Quarterly Bulletin, Pretoria, June 1991.

a/ First quarter.

C. Foreign investment

91. The trend towards disinvestment by transnational corporations with equity interests in South Africa, which started in 1985, virtually stopped in 1991. At the same time, approximately half of the United States companies that disinvested (a total of 192 as at 15 September 1991), and probably a higher proportion of transnational corporations from other countries, retained non-equity ties with South Africa after disinvestment. This allowed a stream of income without having a permanent physical presence in the country and without facing the related political pressure exerted by the anti-apartheid movement in the companies' home country. 77/

92. In perspective, despite many companies' rising interest in South Africa as a potential investment opportunity, a major re-entry in the country seems unlikely in the short term. Present uncertainties regarding the economic and political situation, as well as the economic and financial management of a future non-racial government, are in fact a strong deterrent. While a lucrative market is predicted for consumer product companies, there is less consensus on the prospects for other industries. In addition, the limited supply of skilled labour in the country is viewed as an important constraint to direct investment. 68/ United States corporations are further hindered by state and local laws that restrict contracting with companies doing business with South Africa.

D. Military relations

Budget

93. The 1991 South African budget showed a relative reduction in the allocation to defence expenditure, in keeping with the trend begun in the 1990/91 financial year, which ended the rise in defence spending throughout the 1980s. 78/ This year's figure of R 9.187 billion represents 11 per cent of total state spending, compared with a figure of over 15 per cent for the 1989/90 year. 79/ In his budget speech, the Minister of Finance declared that the resultant saving, some R 3.6 billion, would be diverted to the consolidation of the country's internal security, hence the allocation for police spending rose by a record 53 per cent. 79/ The special defence account, which is used partly for financing overseas armaments procurement, received R 4.17 billion of the defence budget, a slightly lower proportion than that of 1990. The allocation for the secret services account was increased by 38 per cent over the last two years to R 380 million. 80/ It should be recalled that the Special Committee has in the past drawn attention to the special defence account and such other accounts, which have been used for covert activities, including the provision of weapons and technology from abroad (evasion of the mandatory arms embargo imposed by Security Council resolution 418 (1977) of 4 November 1977), and the destabilization of southern African States. Furthermore, evidence has recently emerged that the special defence account was also used to finance the Civil Cooperation Bureau (CCB), which was sponsored by the South African Defence Force (SADF). 81/ Thus, doubts remain as to the genuine reason for the continuation of these secret projects. The reduced spending on defence seems to reflect the shortage of loans, major exposures of the arms embargo violations in recent years and the current process of change taking place in South Africa. In the light of those

changes, President de Klerk announced in June 1991 that South Africa would sign the Treaty on the Non-Proliferation of Nuclear Weapons (resolution 2373 (XXII), annex).

Military build-up

94. The defence cuts have precipitated certain changes in the South African Armaments Corporation (ARMSCOR). In the early 1980s ARMSCOR made South Africa one of the largest arms exporter nations, 82/ but a 40 per cent fall in orders from the South African military took place between 1987 and 1989; as a consequence, 49 projects were scrapped at the pre-production stage and some 50,000 ARMSCOR employees and its contractors have been made redundant. 83/ One aspect of ARMSCOR's reaction to these changes has been to implement a programme of cooperation with the civilian private sector of industry through the transfer of military technology and expertise. Examples of this recent cooperation, from which the corporation expects a R 750 million annual return within five years, include the prospective launch of a communications satellite that owes its genesis to South Africa's ballistic missile technology; innovatory techniques and equipment in the areas of mining, motor engineering and fishing and even cricket-bat manufacture. 83/ As though to illustrate the significance of this venture, the State President announced in July 1991 that responsibility for ARMSCOR had been shifted from the Defence Ministry to the Economic Coordination and Public Enterprises Ministry. 84/ However, the Oslo-based World Campaign against Military and Nuclear Collaboration with South Africa has pointed out that an important aspect of this shift to civilian production is ARMSCOR's attempts, during the transition, to undermine the arms embargo, especially the embargo on the export of arms, which is only covered by a non-mandatory decision.

Foreign trade

95. In response to the decline in orders from SADF, ARMSCOR is looking to its export market to compensate for the internal shortfall in demand. New products unveiled this year include the prototype of the Rooivalk CSH2 attack helicopter, which, according to a SADF spokesman, "can be adapted to fire any one of the North Atlantic Treaty Organization (NATO)'s weapons" 85/ and also the appearance on the world arms market of the FT5 portable anti-tank missile system. 86/ Furthermore, South Africa's strategy of military collaboration with foreign Governments and corporations continues. In summer 1991 the Executive Chairman of ARMSCOR admitted openly that his corporation had "for some time" been engaged in direct talks with other armaments industries about "various forms of cooperation". 87/

Collaboration

96. The conflict in 1991 between Iraq and Kuwait provided an opportunity for increased military exports from South Africa to the warring States, and as a result of the attention focused upon Iraq's array of imported weaponry and upon the global armaments trade in general, new information was uncovered concerning breaches of the 1977 mandatory arms embargo by South Africa in the last 10 years. 88/

97. According to recent reports from the World Campaign, 89/ the United Arab Emirates took delivery of the advanced G6 howitzers just a week after the

invasion of Kuwait, 90/ and is financing the production of the Rooivalk helicopter and has also ordered the Hakim missile, which South Africa developed in collaboration with the United States-based International Signal and Control Corporation (ISC) 91/ (see paras. 100, 101 and 103 below). It is widely believed that in exchange for its weapons, South Africa receives illicit shipments of Gulf oil - between 1987 and 1990, 91 of the 94 tankers delivering to South Africa sailed from the Middle East. 92/ It is further reported 92/ that half of Pretoria's oil imports originate from the United Arab Emirates, although many of that country's neighbours are also suspected of having developed military ties with South Africa in spite of the arms embargo. Most defence experts believe that the Saudi Arabian arsenal contains South African matériel 93/ and it appears that two smaller Gulf States - Qatar and the United Arab Emirates - 94/ have also placed orders for ARMSCOR's 155 mm artillery in the last year.

98. However, it is the allegations that the flow of South African armaments and ammunition into Iraq continued after the imposition upon that State of the United Nations embargo that have generated the most concern, as South Africa would have contravened not just one but two mandatory embargoes. According to the World Campaign, the evidence to support such a scenario consists of two sets of irregularities. Firstly, South Africa recorded for October 1990 a R 2.7 billion trade surplus in "unclassified exports", a category that covers trade in armaments, oil and precious metals: since the price and output of gold were low at that time, and South African oil exports have always been negligible, this anomalous surplus is assumed to derive from booming armament sales to the Gulf. 95/ Secondly, it has been observed that although in August 1990 Pretoria informed the Security Council of its adherence to resolution 661 (1990), its decision to abide by the embargo on Iraq was not gazetted (i.e. made legally binding) until November 1990, 96/ that is, shortly after the increased trade surplus. Some observers see those discrepancies in tandem and regard them as evidence that Pretoria conducted illegal military trade with, or at least received payment from, Iraq after that country's invasion of Kuwait. 97/

99. According to a newspaper report, a member of South African military intelligence claimed that ARMSCOR supplied its extended range full-bore "base-bleed" ammunition, some adapted to carry poison-gas, via Jordan to Iraq as late as December 1990. 98/ These charges were refuted by both South Africa and Iraq, each of whom denied breaking the mandatory embargo imposed on the other. The South African Defence Minister insisted that "South Africa, and therefore ARMSCOR, made no deliveries to Iraq in defiance of United Nations sanctions against Iraq of August 8th 1990", 99/ and the Iraqi authorities have assured the Special Committee that "Iraq continues to abide by all the resolutions and measures relating to the boycott of South Africa, whether with respect to weapons or oil". 100/

100. The last report of the Special Committee stated that the founder and director of ISC faced charges for defrauding Ferranti, the British armaments corporation that bought his company in 1987. 101/ In October 1990, it was reported that the accused would plead guilty to tax evasion, fraud and arms export violations. 102/ Important new information came to light when in May 1991 a joint Financial Times/ABC TV "Nightline" team published details of an arms trafficking ring involving South Africa, at the centre of which was ISC. 103/ The investigation revealed that ISC had sold to South Africa large

quantities of high-technology equipment for use in the developing and testing of ballistic missiles. Allegations were made that a certain amount of United States-originated technology, such as radar-controlled anti-aircraft equipment and cluster-bomb engineering, eventually reached Iraq by way of South Africa and Chile. According to these allegations, the armaments transfers took place between 1984 and 1988, but there is supplementary evidence that missile technology continued to be smuggled from the United States to South Africa for an additional two years: a national of the Netherlands, arrested in the United States in September 1990, was charged with buying sophisticated "isolators and circulators" used in missile guidance systems. 104/ It later emerged that his cover company, York Ltd., had close connections with ISC in the United States and with a subsidiary of Barlow Rand, the Johannesburg-based industrial conglomerate. 105/

101. On 31 October 1991, a Pennsylvania Federal Grand Jury returned two indictments in relation to the activities of ISC. The charges related to a complex fraud and money-laundering scheme that involved a billion dollars in false contracts, the laundering of $700 million and the smuggling of weapons, munitions, restricted commodities and related military technology to South Africa and Iraq. The indictment charged, among others, seven South Africans and three South African corporations, including ARMSCOR, for export and import violations, securities fraud, money laundering, tax evasion and other federal crimes. The founder and director of ISC was accused of, inter alia, heading a scheme to aid ARMSCOR in evading the mandatory arms embargo on South Africa by selling restricted United States munitions and weapons technology through front companies and the use of Swiss bank accounts. The indictment included charges involving the delivery of more than 300,000 fuses for South African 155 mm artillery shells, which were later supplied to Iraq. Other exports in breach of the arms embargo on South Africa included night-vision devices, ballistic missile components, missile testing and tracking systems, navigation system technology, grenade technology and other defence electronic equipment. 106/

102. In an alleged response to South Africa's activities in "missile proliferation", the United States Under Secretary of State for International Security Affairs announced on 9 October 1991 that the State Department had determined that ARMSCOR had engaged in missile proliferation activities. Therefore, pursuant to the Arms Export Control Act and the Export Administration Act of 1979, as amended, the following measures were being imposed on ARMSCOR: (a) licences for export to ARMSCOR of items controlled pursuant to the Arms Export Control Act and the Export Administration Act of 1979 must be denied for two years; (b) no United States Government contracts with ARMSCOR may be entered into for two years; and (c) no products produced by ARMSCOR may be imported into the United States for two years. 107/ Although these measures could encourage countries to halt such proliferation activities, questions have been raised concerning the time limitation of the ban imposed on ARMSCOR and the relevance in this regard of the United States legislation on the arms embargo on South Africa. In the announcement, the State Department also noted South Africa's recent decision to accede to the Treaty on the Non-Proliferation of Nuclear Weapons.

103. A crucial link in the ISC armaments smuggling scandal as well as in the sale of weaponry to Iraq in the 1980s reportedly was the Chilean armaments company, Industrias Cardoen, which had previously admitted its involvement

with ARMSCOR in the export of armaments. 108/ Sales to Iraq accounted for 90 per cent of the company's revenue at the height of the Iran-Iraq war. It should be noted, however, that the present Government of Chile has taken concrete measures to enforce the arms embargo against South Africa. 109/

104. On 14 July 1991, Israel lifted its economic sanctions against South Africa, although it is considered that the four years of slightly reduced trade did not disturb in any way the close military relationship between the two States. Military collaboration will apparently continue unabated, with the report that Pretoria is financing an Israeli-developed sea-launched cruise missile, the Gabriel LR, which is believed to be comparable to the United States Tomahawk system. 110/ Part two of the present report contains further information on military collaboration between South Africa and Israel.

105. South Africa's interest in the aforementioned sea-launched missile confers credibility upon the hypothesis that South Africa plans to equip its navy with the German type 209 submarine. 111/ It will be recalled that ARMSCOR endeavoured to obtain the plans for this submarine and was indeed supplied with the microfilms of the blueprints by two corporations based in Germany from 1984 until at least 1987. 112/ It is reported that Israel, which has relations with South Africa, is receiving German financing for the construction of two of the U-209 submarines. 113/ According to a United States-based naval journal, 114/ Taiwan, province of China, has also taken an option on at least four of the submarines. This involvement could also benefit South Africa, as relations have been improving rapidly since Taiwan, province of China, granted its first ever trade credit loan to South Africa, worth R 150 million, in January 1991, and especially since Taiwan, province of China, is not a member State of the United Nations and therefore not legally bound by the 1977 mandatory arms embargo.

106. Since 1989, a gradual link has been established between South Africa and the countries of Central and Eastern Europe. In that context, it is reported that the South African Air Force (SAAF) purchased two twin turboprop LET 410 aeroplanes from Czechoslovakia. 115/ Some 15 Flamingo II and III series craft were delivered by Poland to unidentified recipients in South Africa. 116/ In September 1991, the Government of Uganda announced that some 19 tons of South African armaments and ammunition were smuggled to the Croatian militia in Yugoslavia. Federal forces in Yugoslavia seized a Ugandan Airways cargo aircraft carrying a consignment of rifles, bullets and grenades, which is believed to have been purchased from the "independent Bantustan" of Bophuthatswana or elsewhere in South Africa. ARMSCOR denied involvement though declined either to confirm or deny whether the arms were of South African origin; the Foreign Affairs Minister stated that Pretoria had not authorized the transfer. 117/

107. One strategy employed by ARMSCOR in overcoming the mandatory arms embargo is the import of "dual-use" goods, that is, civilian equipment or material that can be adapted to military purposes. An example is the undertaking by two corporations based in the Netherlands, Philips and Data Systems, to modernize the South African navy's telecommunications network at Durban. 118/ Although it issued export licences, the Government of the Netherlands has denied breaking the embargo, on the grounds that the goods exported were of a civilian nature, even though the recipient certainly was not. 119/

108. The "grey area" of dual-use imports that most benefits South Africa is that of aeroplanes and aeronautical technology. The distinction between civilian and military use is particularly blurred in this most advanced sector: for instance, small light aircraft ostensibly for private use are often utilized by the air force; indeed, it was reported in January 1991 that manufacturers from many different States were vying to provide $100 million worth of turboprop trainer aircraft to South Africa. 120/ Another report in August 1991 vigorously denied by both concerned air forces maintains that the South African Air Force has obtained seven Swiss-made Pilatus PC-7 aircraft via the "independent Bantustan" of Bophuthatswana. 121/

109. A further problem in embargo implementation concerns the legal status of personal firearms such as pistols and hunting rifles. It is reported that since 1987 as many as 50 tons of rifles and bullets were shipped from three named companies in the United States to Cape Town en route for Namibia and Botswana. 122/ According to the South African press, the United States Department of Commerce has launched an investigation into the participation of United States companies in the affair.

110. The cases of confirmed or suspected collaboration in the military field between South Africa and foreign Governments or corporations bear witness to Pretoria's determination to engage in armaments trading and to the shortcomings of the United Nations arms embargo as a result of the weaknesses in legislative implementation by Member States.

E. Situation in the southern African region

111. Positive developments that took place in 1990 and 1991 continued to generate hopes that further progress would be achieved towards the settlement of all political conflicts in the region. While Namibia settled into independence, encouraging events unfolded in both Angola and Mozambique as a number of reforms were undertaken by the Governments of those countries during the last months of 1990, and as a certain rapprochement occurred between the parties to the conflicts. However, while the peace process has gathered momentum in Angola over the past few months, it appears to have stalled in Mozambique because of renewed fighting and antagonism.

112. The adoption of a new constitution in Mozambique in November 1990 raised hopes that a cease-fire could be negotiated after years of devastating civil war, in which neighbouring South Africa played a significant role. The new constitution provided for elections and a multi-party system, freedom of the press and an independent judiciary. Nation-wide presidential and legislative elections were promised for 1991 or 1992, provided that a comprehensive cease-fire could be implemented. Following several rounds of talks, an agreement for the first stage of a cease-fire was signed at Rome on 1 December 1990 between the Mozambican Government and the Resistência Nacional de Mozambique (RENAMO). However, the repeated breaches of the partial cease-fire by RENAMO (as confirmed by the international verification commission set up to monitor the implementation of the agreement) 123/ and its refusal to accept a compromise proposed by international mediators, whereby RENAMO would recognize the legitimacy of the Government of Mozambique while gaining a "special political status" over the other parties, seriously jeopardized the negotiating process. Yet, in October 1991, RENAMO finally

recognized the authority of the Government and announced its agreement to join the political process leading to multi-party elections. In that context, the European Community welcomed the agreement and launched an urgent appeal to the two parties, "in particular to RENAMO", to put an end to the conflict and agree on the framework for national reconciliation and democratization. 124/

113. The Government of Mozambique has blamed the intransigence of RENAMO on the continued support it receives from South Africa. This accusation, which the South African authorities have consistently refuted, is based partly on allegations made by two Mozambicans, who claim to have been forced to serve in SADF throughout the 1980s, that South African "Special Forces", and notably the Fifth Reconnaissance Regiment, were still providing logistical support to RENAMO. 125/

114. In Angola, the Government pledged in November 1990 to promulgate a package of constitutional and legislative measures that would establish a new multi-party system in the country. Following numerous rounds of talks held at Lisbon in 1990 and 1991 between the Government of Angola and the União Nacional para a Indepêndencia Total de Angola (UNITA), a peace agreement was signed by both parties on 31 May 1991. The agreement is based on a plan proposed jointly by the United States, the Soviet Union and Portugal whereby an internationally monitored cease-fire would come into effect and a transition period of 18 months would lead to multi-party elections in October or November 1992. During this period of transition, a "joint political and military committee", composed of equal numbers of government and UNITA officials, with Portugal, the United States, the Soviet Union and the United Nations as observers, will "deal with the whole process leading to the cease-fire, elections, stability and internal security" and will oversee the creation of a single national army. 126/ While the two parties have at times accused each other of violating the peace accord and delaying the release of political prisoners, progress towards the normalization of political life in Angola has continued steadily since June 1991.

115. Prior to the signing of the peace agreement, the Government of Angola made repeated allegations regarding South Africa's continued assistance to UNITA. Under the provisions of the agreement signed in 1988, which led to the implementation of Security Council resolution 435 (1978) on the independence of Namibia, South Africa undertook to end all military support to UNITA forces. However, at a meeting of the Joint Commission monitoring the implementation of this agreement, which was held at Cape Town in January 1991, the Angolan delegation accused South Africa of having sent tons of arms and other supplies to UNITA through neighbouring countries. 127/

116. During the period under review, several meetings were held between representatives of Namibia and South Africa to discuss the issue of Walvis Bay and the off-shore islands as well as that of the boundary between the two countries on the Orange River. As a result, a joint technical committee was established to advise on the functions and structures of a joint administration to be set up in Walvis Bay, pending settlement of the issue. 128/ Foreign Minister Roelof Botha, however, had earlier emphasized that amendments to the South African constitution - including any decision on the future of Walvis Bay - could only be addressed, at the earliest, during the discussions on constitutional matters. 129/

IV. INTERNATIONAL PRESSURE AND ASSISTANCE

A. General

117. As the Special Committee recommended at the beginning of 1991, the international community seems to have followed a two-pronged approach to the process in South Africa: it has acknowledged both the need to maintain some pressure on the regime and to provide assistance to the democratic forces and to the victims of apartheid in South Africa. A growing trend, however, has developed towards the relaxation of the restrictive measures imposed on South Africa in view of the perceived progress made towards the eradication of apartheid. It appears that there is a tendency to overrate the positive developments and to underestimate the seriousness of the remaining problems. At the same time, though, both at the regional and national level, steps have been taken towards providing some assistance to the democratic forces and to the victims of apartheid.

118. In this context, South African officials were able to visit various countries in different parts of the world and began in earnest a series of contacts with several Member States to develop relations along trade and diplomatic lines. For their part, the national liberation movements and other democratic forces in South Africa renewed their efforts to encourage Member States and other international organizations to link the pressure on South Africa to developments in the process towards negotiations. A consensus is emerging, therefore, on the need to lift sanctions by phases in accordance with specific progress made towards substantive negotiations on a new constitution. The Commonwealth, among others, responded positively to the need for this consensus at its most recent meeting, in October 1991. It should be noted that, in that respect, democratic forces in South Africa have been keen to develop a programme for the phased lifting of sanctions, and their views have had an impact on the international community's debate on this issue.

119. Anti-apartheid movements and such other organizations have clearly understood the need to maintain this two-pronged approach on South Africa and have both continued to campaign for the maintenance of pressure and begun to explore initiatives to assist positively the present process and the future of a democratic South Africa.

B. United Nations action

120. In its resolution 45/176 A, entitled "International efforts to eradicate apartheid", which was adopted without a vote, the General Assembly reaffirmed the provisions of the Declaration (see sect. I of the present report) and the need for their full and immediate implementation (see A/AC.115/L.675).

121. In its resolution 44/244 of 17 September 1990, the General Assembly took note of the report of the Secretary-General on the progress made in the implementation of the Declaration (A/44/960 and Add.1-3), requested the Secretary-General to remain actively seized of developments in South Africa and to submit a report on further progress in the implementation of the Declaration. In accordance with that resolution, on 4 September 1991, the

Secretary-General submitted to the General Assembly at its resumed forty-fifth session a second progress report on the implementation of the Declaration (A/45/1052). In his observations in the report, the Secretary-General considered that, over the last 12 months, the process towards the end of apartheid in South Africa, although halting, remained on course. Noting that while the most basic laws of apartheid, as promised, were removed by June 1991, he pointed out that many of the concomitant attitudes and practices, as indeed the consequences of those laws, did persist. Yet he expressed the hope that in the next few months, given a number of initiatives recently taken, there would be moves towards an agreement regarding the drafting of a new constitution and the establishment of transitional arrangements. He concluded that the response of the international community needed to be finely tuned to this complex and delicate process. In that context, he considered that encouragement, pressure and assistance would need to be suitably applied as the process unfolded, bearing in mind that the ultimate objective was the establishment of a non-racial democracy in South Africa.

122. The General Assembly considered the second progress report of the Secretary-General at a resumed session held on 13 September 1991. The Chairman of the Special Committee against Apartheid, Professor Ibrahim Gambari, who was the only speaker in the debate, stressed that the duty of the international community was to encourage the speedy end of apartheid through negotiations. On the basis of the Secretary-General's report, he reviewed and assessed what had been accomplished and what remained to be done. Regarding the Declaration's programme of action he noted the suggestions of the Secretary-General and expressed the hope that his advice would be taken seriously into account by all since it was clear from the report that while some progress had been made over the previous 12 months, the achievement of the final objective was far from being in sight.

123. The General Assembly at its resumed session adopted by consensus decision 45/457 B, entitled "Policies of apartheid of the Government of South Africa", in which it took note with appreciation of the second progress report and requested the Secretary-General, inter alia, to remain actively seized of developments in South Africa and to submit to the Assembly during 1992, as appropriate, a report on further progress in the implementation of the Declaration. 130/

124. Other United Nations organs and agencies have continued to monitor the evolving process in South Africa. In 1989 the International Labour Organisation (ILO) established a group of independent experts to follow up and monitor the implementation of sanctions and other action against apartheid throughout the world, in particular, the steps taken to circumvent such measures. 131/ The group has already submitted a study on financial sanctions and has considered a revised version of a study on South African coal mining and the coal embargo. With regard to the study on financial sanctions, the group was of the view that the report confirmed the effectiveness of financial sanctions adopted against South Africa. In addition, the group has under consideration a draft of a study on employment, wages and working conditions in the South African mining industry and the effect of sanctions on employment in that industry.

125. The Committee on Action against Apartheid of the International Labour Conference and the Committee on Discrimination of the ILO Governing Body have also continued their monitoring of the situation in South Africa. In that regard, during its seventy-eighth session, held in June 1991, the International Labour Conference, based on the report of the Committee on Action against Apartheid, while noting with satisfaction the adoption of the revised Labour Relations Act, called upon all constituent members to exert maximum pressure on the Government of South Africa to ensure that labour legislation in South Africa at least fully meets the standards set by ILO. 131/ It further noted that the legislation ought, as a matter of principle, to cover fully farm workers, domestic workers and public sector workers and that it should be extended to the Bantustans. The Conference requested that Governments maintain all existing measures, in particular, financial sanctions, which have proved highly effective, and requested Governments to use specific mechanisms to establish the exact origin of coal. It further requested Governments to indicate their willingness to provide assistance to South Africa but only when apartheid had been totally dismantled and international standards of conduct had been met. The Conference also urged the ILO Director-General to respond effectively and rapidly to requests from the democratic South African workers' organizations for technical cooperation and assistance. It stressed that this assistance in no way should constitute a violation of present ILO policies on South Africa.

126. The Commission on Transnational Corporations has continued to monitor the involvement of transnational corporations in South Africa. In line with decisions made by the Commission and in response to a specific request from ANC, the Centre on Transnational Corporations has begun a project to assist ANC in the formulation of an investment code and other policy options regarding the role of transnational corporations in post-apartheid South Africa.

127. Since the adoption of the Declaration, the Centre Against Apartheid, as the focal point and advocate of the international campaign against apartheid, has expanded its role by increasing its efforts to promote a peaceful end to apartheid in South Africa. The Centre continues to undertake extensive research on all socio-economic and political aspects of South African society, as well as on developments in those sectors. For that purpose, it maintains a wide array of contacts with non-governmental institutions, organizations and individuals within and outside South Africa who are actively involved in promoting the changes now taking place. The Centre also services a number of intergovernmental bodies. As the designated focal point within the United Nations system for matters concerning South Africa and in pursuance of the provisions of General Assembly resolution 45/176 A, the Centre held consultations on 1 and 2 October 1991 with designated focal points of selected United Nations agencies and offices with programmes or planned activities concerning South Africa in order to start the process of regular exchange of information, to discuss the most appropriate mechanisms for system-wide coordination on this matter and to start preparations for a seminar to be held in early 1992. Under the aegis of the Special Committee, the seminar will focus on the possible role of the United Nations system in helping address the serious socio-economic inequalities in South Africa during the interim period and, once South Africa has become a united, democratic and non-racial society.

C. Intergovernmental organizations

128. In general, intergovernmental organizations welcomed the positive initiatives undertaken by the authorities towards the dismantling of apartheid, in particular the repeal of major apartheid laws, but they also noted the shortcomings of such steps and expressed their concern about the violence prevailing in the country.

129. An important signal in this process was the adoption of the Abuja Declaration on South Africa by the twenty-seventh ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), which took place at Abuja from 3 to 5 June 1991. 132/ The Assembly of Heads of State acknowledged that although there had been some positive developments in South Africa, the preconditions set out in the Harare and United Nations Declarations and the Groote Schuur and Pretoria Minutes had not been fully met. In those circumstances, therefore, all sanctions should remain in place. In a significant move, the Assembly further mandated the current Chairman of OAU, in the current appropriate framework, to continue to monitor and review the situation in South Africa, taking into account concrete steps undertaken by South Africa to remove all obstacles to genuine negotiations and to end the ongoing violence. Furthermore, should the Government of South Africa adopt measures that lead to "positive, profound and irreversible changes" towards the abolition of apartheid, the Assembly committed itself to reviewing the question of sanctions with a view to readmitting South Africa into the international community. At Abuja, on 29 July 1991, the OAU Ad Hoc Committee of Heads of State and Government on Southern Africa acknowledged that "significant developments had taken place" in South Africa, welcomed the repeal of apartheid legislation, but stressed that "the fundamental basis of apartheid, the undemocratic constitution, remains in place" (A/45/1052, para. 138).

130. Likewise, on 29 June 1991, the European Council issued a declaration on South Africa (A/46/287, annex) in which it welcomed the "important progress made towards the complete and irreversible abolition of apartheid" but noted that obstacles remained on the path to negotiations on a new constitution. Reiterating its concern about the violence in South Africa, it called on the authorities "to spare no effort to uphold the law and public order". It further called upon all parties to make common efforts to resolve outstanding questions so as to enable negotiations between all political forces to begin as soon as possible. The European Community had already decided to lift sanctions, although that decision remains blocked by the action of the Danish Parliament. 133/ On 22 August 1991, the Community also welcomed the agreement reached between the Government of South Africa and the United Nations High Commissioner for Refugees (UNHCR).

131. On 16 September 1991, the European Community welcomed the signing of the National Peace Accord and urged all parties to subscribe to the principles laid down in it and to assure its enforcement at all levels (A/46/492, annex). A further declaration was issued on 3 October 1991 (A/46/562, annex) stating the Community's concern, expressed "repeatedly" before, that outstanding questions remained to be solved urgently, including "the detention of political prisoners". Noting its concern that no such solution had yet been found regarding the detention of political prisoners in the so-called independent homelands, the Community and its member States insisted "on the

release of all political prisoners without delay". Earlier, on 16 July 1991, the leaders of the Group of Seven had welcomed the positive developments in South Africa and expressed the hope that negotiations on a new constitution would start soon and that violence would be brought under control.

132. At New Delhi, in September 1991, the Commonwealth Committee of Foreign Ministers on Southern Africa (CFMS), comprising the Foreign Ministers of Australia, Canada, Guyana, India, Malaysia, Nigeria, the United Republic of Tanzania, Zambia and Zimbabwe, noted that since its last meeting, held in London in February 1991, 134/ there had been further significant developments in South Africa. While CFMS welcomed these developments as constituting yet "another major advance toward negotiations", it expressed its acute awareness of the difficulties remaining in the way of progress. It noted that violence had emerged as a serious threat to the negotiation process and called upon the South African authorities to ensure the strict impartiality of the security forces and to exert full control over elements of the far right. CFMS welcomed the National Peace Accord, which it saw as "the most comprehensive attempt yet" to address the violence and stressed the importance of making the Accord work in practice in the months ahead. It expressed its hope that the adoption of the Accord would be followed by an all-party conference, paving the way for constitutional negotiations.

133. CFMS observed that the recent revelations of secret government funding of IFP and other organizations had eroded confidence in the Government's good faith and therefore "the Government could not be both referee and player". It called for the establishment of appropriate transitional mechanisms, including an interim government, which would enable all the parties to participate fully and effectively in negotiations. Recalling its agreement on a "programmed management approach", "which would relate any change in the application of sanctions to real and practical steps towards the ending of apartheid, CFMS recommended that Governments maintain the arms embargo until a new post-apartheid government was firmly established with full democratic control and accountability". 134/ Regarding economic sanctions, and in particular financial sanctions, the Committee agreed to recommend to the next Commonwealth Heads of Government Meeting (CHOGM) at Harare that:

(a) Financial sanctions, including lending by such international financial institutions as the International Monetary Fund (IMF) should be lifted "only when agreement is reached on the text of a new democratic constitution" (unless any contrary recommendation is made by agreement at the proposed all-party conference);

(b) Other economic sanctions, including trade and investment measures, should be lifted when "appropriate transitional mechanisms had been agreed which would enable all the parties to participate fully and effectively in negotiations".

134. Regarding "people-to-people" sanctions, CFMS recommended to CHOGM that in the light of the substantial progress made in the removal of obstacles to negotiations, among other things, the following sanctions should be lifted: consular and visa restrictions, cultural and scientific boycotts, restrictions on promotion of tourism and the ban on direct air links. It also stated the condition that any resumption of direct air links should be on the basis that South African Airways and other South African airlines undertake appropriate

affirmative action programmes. In relation to the sports boycott, the Committee agreed that it should continue to be lifted in terms of the programme already agreed on in London and in consultation with the democratic anti-apartheid forces.

135. At its Harare meeting, held from 16 to 22 October 1991, CHOGM endorsed the "programmed management approach", linking any change in the application of sanctions to the undertaking of real and practical steps to end apartheid. 135/ CHOGM, however, made some proviso in that approach, namely, that financial sanctions could be lifted if a recommendation to do so was made by a future interim government. The Commonwealth Secretary-General was requested to visit South Africa and to report to the Commonwealth thereon. Regarding sports contacts with South Africa, CHOGM agreed that restrictions in respect of a particular sport should be lifted in accordance with specific criteria (see sect. G below).

136. CHOGM also made important decisions concerning human resource development for a post-apartheid South Africa. In that context, it welcomed the report of the Expert Group on Human Resource Development for a Post-Apartheid South Africa, Beyond Apartheid. It agreed to assist in meeting the resource development needs of post-apartheid South Africa on a bilateral and multilateral basis, which could include a voluntary multilateral Commonwealth programme for human resource development in South Africa. Support for training and placements within South Africa as well as continuing training and placement outside South Africa were envisaged. CHOGM also recognized the increased role for the Commonwealth network of non-governmental organizations, Skills for South Africa, in the implementation of the Expert Group's recommendations. It called for increased bilateral Commonwealth and other programmes in this field and requested the Commonwealth Secretary-General to bring the Expert Group's report to the attention of the international community and to explore the possibility of convening, in collaboration with the United Nations, an international donors' conference. The British Government expressed its agreement with the lifting of "people sanctions" and the maintenance of the arms embargo, but disagreed with the recommendations of the Committee on the timetable for lifting economic and financial sanctions.

D. Governments

137. The trend towards the relaxation of pressure on South Africa appears to have gathered momentum in the case of individual Governments. In July 1991, the President of the United States signed an executive order ending the sanctions against South Africa based on the determination that the South African authorities had met all five of the conditions set forth in the Comprehensive Anti-Apartheid Act of 1986. Local and state sanctions remained, as well as the ban on arms and on support for IMF loans to South Africa. 136/ Since then, other Member States have followed suit on the basis of the view that developments in South Africa allow the establishment of diplomatic, trade and air links or the lifting of some of the restrictive measures. As a result, new markets have opened for South Africa in Central and Eastern European countries and Asia, but especially in Africa. Also, South Africa's diplomatic isolation has been significantly reduced by the decision of many Member States to establish formal diplomatic ties with Pretoria (see paras. 79 and 80 above). The overall attitude of most Governments is that sanctions

have played an important part in encouraging change in South Africa, but that the phasing out of sanctions must depend on the progress made in the negotiations for a new constitution.

E. Non-governmental and other organizations

138. As stated in the interim report of the Special Committee (A/AC.115/L.675), non-governmental and other organizations have attempted to hold the line on sanctions while at the same time providing support to the anti-apartheid opposition in South Africa, and have monitored the political situation in that country, particularly as regards repression.

139. At a special conference held in July 1991, the British Anti-Apartheid Movement assessed its role in the ongoing process of change in South Africa. Accordingly, it decided that since the peace process in South Africa was still uncertain, it should maintain the pressure on the regime to move forward to negotiations on a new constitution. The Movement would therefore focus its campaigns on, among other things, the release of all political prisoners and the removal of all obstacles to negotiations; a "vote for democracy in South Africa" aimed at securing public support for one person-one vote elections on a single common non-racial electoral roll; the maintenance of sanctions and other actions; and the coordination of political and material support for ANC. 137/

140. The Movement further mobilized public opinion on South Africa in the United Kingdom following "the revelations ... of the involvement of the South African security forces in both the covert funding of Inkatha and fomenting of so-called 'Black on Black' violence". It sought an urgent meeting with the British Foreign Secretary "to press the case for a thorough and comprehensive reappraisal of British policy toward South Africa". 137/

141. In the United States, following the lifting of sanctions on South Africa, major anti-apartheid organizations 138/ criticized the United States Government's decision as being premature and in violation of the "spirit and the letter" of the 1986 Comprehensive Anti-Apartheid Act, in particular regarding political prisoners. Noting that the lifting of sanctions at this juncture could cause serious setbacks to the process of change in South Africa, they announced that they would continue to press for the maintenance of state and local measures on Pretoria until the process towards a democratic South Africa became irreversible. In this regard, a recent study by the Washington-based Investor Responsibility Research Center Inc. concluded that state and local laws were proving a substantial barrier to the re-entry of United States business to South Africa. Several state and local entities have already expressed their disagreement with the United States President's decision and have decided to maintain the laws until further reform is evident in South Africa. With the exception of the State of Oregon, all 143 state and local laws that restrict business or investment ties to South Africa remain in place. As at 21 August 1991, a total of 56 state and local jurisdictions restricted contracting with companies that did business in South Africa. 139/

142. In line with their position on sanctions, anti-apartheid movements and other organizations around the world opposed the recent move by the South African regime to obtain financing in international markets. 140/ In

October 1991, anti-apartheid movements organized protests against banks involved in the financing of South Africa's public bond issues since, in their view, the banks' action contravened the United Nations and Commonwealth policies. 141/ In that regard, the World Council of Churches (WCC) and SACC called in October 1991 for maintaining financial and other sanctions until the violence was brought under control and agreement was reached on an interim government and a democratic constitution. 142/

143. Anti-apartheid movements and other organizations also intensified their campaign to publicize and obtain public support for the demands made by anti-apartheid organizations in South Africa for the establishment of an elected constituent assembly and of an interim government.

144. The world-wide trade union movement has continued both to monitor political developments and to assist the labour movement in South Africa in different ways. Bilateral links have also increased between the non-racial trade union movement in South Africa and trade unions in other parts of the world. At the International Confederation of Free Trade Unions (ICFTU) Pan African Conference, held at Gaborone, in July 1991, 143/ participants adopted a statement calling for pressure to be maintained on South Africa until a new constitution was in place. They criticized the lifting of sanctions, calling it "premature", and supported the call of the democratic trade unions in South Africa for a constituent assembly to negotiate a democratic future for South Africa. In addition, ICFTU and the Commonwealth Trade Union Council (CTUC) expressed their concern at the trial instituted against four COSATU leaders, including its General Secretary, and called for an end to the harassment of trade unionists in South Africa. As ICFTU stated:

> "The independent trade union movement in South Africa, which will be an important social partner in a future democratic society, not least in ensuring that the injustices of decades of apartheid rule are eradicated, should be allowed to carry out its activities without harassment, in line with international labour standards." 143/

F. Cultural links

145. During the period under review, the cultural boycott of South Africa, an integral part of the overall international campaign against the apartheid regime, was based on a two-pronged approach: (a) to isolate the apartheid cultural structures, and (b) to support the democratic cultural structures in South Africa.

146. A large number of artists from all over the world still refuse to perform in South Africa and remain committed to assisting the democratic cultural structures in South Africa until the apartheid system is eradicated.

147. In South Africa a broad and wide-ranging debate on the future of culture - in the interim and post-apartheid periods - continued. At the same time, South Africans urged that those wishing to come into the country should do so on the basis of consultations with the national liberation movements and the appropriate internal anti-apartheid organizations. The aim of these consultations would be to assist financially, institutionally and educationally the development of an alternative broad-based and non-partisan

culture and education in South Africa. Efforts continued to establish a broad-based and non-partisan cultural body so as to facilitate contacts with the world of culture outside.

148. The Special Committee, in view of the developments in South Africa and following consultations held on 30 November and 1 December 1990 with the national liberation movements and anti-apartheid structures from South Africa, as well as with non-governmental organizations from Europe and North America, decided to hold a meeting to refine and update policy on the cultural and academic boycott of South Africa in preparation for a later symposium on the issue.

149. The Symposium on Cultural and Academic Links with South Africa was held at Los Angeles, California, on 11 and 12 May 1991. 144/ Over 150 individuals, from South Africa and other parts of the world, including Nobel Laureates Nadine Gordimer and Wole Soyinka, participated in the Symposium. The participants, inter alia, reaffirmed their commitment to the current United Nations policy that certain international cultural and academic contacts, which have the intent and effect of opposing apartheid and give appropriate assistance to the anti-apartheid structures and to the disadvantaged sectors of the South African society, should be encouraged as an exception to the boycott, in accordance with the provisions of the 1988 Athens Appeal (A/43/606-S/20184, annex).

150. The Symposium was preceded by two days of informal consultations, which provided the representatives of South African organizations the opportunity to meet with members of the United States entertainment industry and to discuss and plan with them various means of assistance to the anti-apartheid cultural structures in South Africa.

151. The Commonwealth Heads of Government Meeting held at Harare, decided that "people-to-people sanctions", including "cultural and scientific boycotts" should be lifted "immediately in view of the progress made in overcoming obstacles to negotiations and the need to give external support and encouragement to democratic anti-apartheid organizations in South Africa and to permit free interaction with them". 135/

G. Sports links

152. Significant developments took place in the recent period regarding sports links with South Africa. The International Olympic Committee (IOC) and African sports leaders have long supported efforts to unify different sports disciplines in South Africa on a non-racial basis. IOC, in consultation with the African sports leadership, set a number of conditions on the readmission of South Africa to international sports, namely, the unification of sports disciplines in South Africa on a non-racial basis and the elimination of apartheid. The repeal of the Land and Group Areas Acts, the revision of the Population Registration Act and the progress achieved so far in unifying sports on a non-racial basis were considered sufficient to meet those conditions. Thus, on 9 July 1991, the readmission of South Africa to IOC was announced.

153. In that connection, the Special Committee, supported by many sporting organizations, considered that the IOC decision should be examined by the Commission against Apartheid in Sports. 145/ It should also be noted that on 12 July 1991, the Special Committee received a message from the organizers of a meeting held at Malmesburg, South Africa, expressing their opposition to the IOC decision. On its part, PAC considers that the sports boycott against South Africa must be maintained until a non-racial democratic constitution is in place. According to PAC, there can be no normal sport in an abnormal society. The beneficiaries of the ending of the sports boycott are Whites, not the victims of apartheid. In PAC's view, the lifting of the sports boycott helps the regime to improve its image so that it can cause confusion within the ranks of those opposed to apartheid and have advantage over the victims of apartheid. 146/

154. The Commonwealth has also addressed the issue of sports links. The Government of the United Kingdom led efforts to lift the sports boycott of South Africa, even before IOC adopted its decision. In December 1990, the British Foreign Secretary appealed for renewed sports links with South Africa and called on the Commonwealth member States, all of which, as parties to the Gleneagles Agreement of 1977, are committed to discouraging sports contacts with South Africa, to reconsider their position. 147/ On 8 July 1991, the British Foreign Secretary, Douglas Hurd, and the then ANC Vice-President, Nelson Mandela, agreed that fully integrated South African sports should return to the international sporting arena. 148/

155. In October 1991, the Commonwealth Heads of Government welcomed the recent considerable progress in the evolution of a unified and non-racial sports movement in South Africa. 135/ The Heads of Government agreed to continue to encourage these developments and, where appropriate, to provide assistance. Stressing the need for each sporting code to provide assistance to sportsmen and women disadvantaged by apartheid, the communiqué set three criteria for lifting restrictions on a particular sport: the formal endorsement of the achievement of unity by the appropriate representative non-racial sporting organization in South Africa; readmittance to the relevant international governing body; and agreement of the appropriate non-racial sporting organization within South Africa to resume international competition. They also stated that the Governments of the Commonwealth would continue to be guided in these matters by the National Olympic Committee of South Africa and other appropriate representative non-racial sporting organizations. Welcoming the achievement of cricket in this regard, they expressed the hope that the International Cricket Conference would accept South Africa's entry into the forthcoming World Cup. 135/

156. On 29 June 1991, the European Community noted with satisfaction the progress achieved in desegregation in the sporting field and proposed to lift the sports ban "on a case-by-case basis, where unified and non-racial sporting bodies have been set up (A/46/287, annex).

157. The following developments took place with regard to individual sports organizations: in July 1991, South Africa was readmitted to the International Cricket Conference. 149/ It is expected that South Africa will participate in the World Cup Cricket Tournament to be held in Australia and New Zealand in February 1992. ANC President Nelson Mandela is reported to have pledged the participation of the South African cricket team in the tournament. 150/ South

Africa was also readmitted to the International Federation of Amateur Cycling, 151/ while the World Boxing Council sent a delegation to South Africa to re-evaluate the continuation of the ban on South African boxers. 152/ On 22 July 1991, the International Federation of Motorcyclists informed the Centre Against Apartheid that it had lifted the ban on South Africa.

158. A senior member of the International Table Tennis Federation stated at Johannesburg on 19 July 1991 that South Africa would be welcome into the table tennis world. It should be recalled that South Africa remained a member of the Federation but chose not to participate in international tournaments in view of apartheid. 153/

159. On 19 July 1991, the National Olympic and Sports Congress and the South African Non-Racial Olympic Committee agreed that the moratorium should be lifted on the following sporting disciplines, which had unified their ranks on a non-racial basis: badminton, canoeing, ice skating, yachting, cycling, triathalon and equestrian events. 154/

160. At the General Assembly of the Association of National Olympic Committees of Africa, held at Cairo from 19 to 21 September 1991, a monitoring committee was set up to follow up and advise on developments in South African sport and "to ensure that the processes of unity and non-racialism and that the development programmes are accomplished as soon as possible". 155/

161. The National Olympic and Sports Congress of South Africa and the South African Non-Racial Olympic Committee on 5 October 1991 agreed to recommend that Tennis South Africa, the new united tennis organization in the country, be affiliated with the National Olympic Committee of South Africa. They also decided that the moratorium on tennis should be lifted so that Tennis South Africa could stage the World Doubles Championships and the South African Men's Open in November 1991.

162. On 23 April 1991, the Special Committee released a new issue of the Register of Sports Contacts with South Africa. The total number of athletes whose names were included in the Register between 1 September 1980 and 31 December 1990 was 3,593, of whom only 157 were new additions during the year 1990. Overall, there was a noticeable reduction in the number of athletes who engaged in sporting activities in South Africa. 156/

V. REVIEW OF THE WORK OF THE SPECIAL COMMITTEE

163. The Special Committee continued to initiate action by the General Assembly to guide its policy towards South Africa, which was reflected in resolutions adopted in 1990. It continued to monitor and analyse the important developments taking place in South Africa and the response of the international community. In January 1991, the Chairman of the Special Committee assessed the complex process of change in that country and outlined the Committee's central tasks, namely, to promote the peaceful process of negotiations by assisting, on the one hand, the disadvantaged sectors of South African society while ensuring, on the other, that the international community maintains pressure on Pretoria until a new constitution establishes a non-racial democracy in that country. Moreover, the Committee encouraged through different forums the exchange of views on issues pertinent to that end. The Chairman of the Committee kept close contact during the period under review with delegations at the United Nations and consulted with them, bearing in mind the need to maintain the consensus reached on South Africa at the forty-fifth session of the General Assembly.

A. Resolutions adopted by the General Assembly under the agenda item entitled "Policies of apartheid of the Government of South Africa"

164. During six plenary meetings of its forty-fifth session, the General Assembly considered agenda item 34, entitled "Policies of apartheid of the Government of South Africa", and on 19 December 1990 adopted resolutions 45/176 A to H on the subject. The General Assembly was able to preserve the consensus achieved for the first time the previous year by adopting resolution 45/176 A without a vote. In accordance with General Assembly resolution 45/176 E, the Special Committee, on 7 June 1991, published an interim report on developments in South Africa and on the international response thereto (see chap. I above). On 13 September 1991, the General Assembly took note of the second progress report of the Secretary-General on the implementation of the Declaration (see chap. IV, sect. B).

B. Activities of the Special Committee

165. In implementing its programme based on this two-pronged approach, namely, pressure and assistance, the Special Committee monitored closely and commented on developments in South Africa, conducted hearings and missions, and organized a number of conferences and meetings. A conference at Prague in June 1991, organized in cooperation with the Association of West European Parliamentarians against Apartheid, focused on the required pressure by Eastern Europe on South Africa; the consultations with anti-apartheid non-governmental organizations at Geneva in November 1991 addressed the issue of pressure as well as that of assistance to the democratic forces. The Symposium on Cultural and Academic Links with South Africa, held at Los Angeles in May 1991, developed proposals regarding appropriate changes in the policy of the cultural and academic isolation of South Africa (see paras. 149 and 150 above). Finally, concerning assistance to the democratic forces and the disadvantaged sectors of South Africa, the Special Committee, in cooperation with United Nations Educational, Scientific and Cultural

Organization (UNESCO) and the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa, organized a conference in Paris on the educational needs of the victims of apartheid in South Africa (see paras. 174-185 below).

1. On political developments in South Africa

166. In monitoring closely developments in South Africa, the Special Committee reacted to them on several occasions by issuing statements, organizing hearings or holding consultations with Governments and South African activists. The leadership of ANC and PAC were commended for their efforts to prepare the ground for genuine negotiations towards a new constitution in South Africa. In that respect, the Special Committee welcomed the decision by the National Executive Committees of ANC and PAC to pave the way for an early establishment of a Patriotic/United Front that would give new impetus to the process of forging a future democratic South Africa. It also congratulated the prominent South African novelist Nadine Gordimer upon her award of the 1991 Nobel Prize for Literature.

167. Two of the main concerns during the period under review were the situation of political prisoners in South Africa and the recurring violence in the country. The Special Committee, in May 1991, expressed its deep concern at the deteriorating physical condition of South African political prisoners on hunger strike and demanded their immediate and unconditional release. It had earlier expressed its profound distress at the assassination of lawyer Bheki Mlangeni and considered it imperative that an independent investigation be undertaken in that regard. In October 1991, the Special Committee deplored the fact that political prisoners remained incarcerated and thousands of exiles had not yet been allowed to return to South Africa.

168. The Special Committee deplored, in November 1990, the limited findings of the Harms Commission of Inquiry on the activities of "death squads", which were hampered by the Commission's restrictive terms of reference. In July 1991, the Special Committee reiterated its concern at the inability or unwillingness of the South African regime to bring violence to an end, concerns that were worsened by revelations on the use of public funds for covert activities against ANC. Pretoria was called upon to take immediate and effective remedial action, thereby re-establishing credibility and good faith in any future negotiations. The Special Committee further expressed concern in March and September 1991 at the resurgence of violence in South Africa resulting in the death and injury of hundreds of persons. It deplored wanton acts of violence, which undermined the peace process and the confidence of all South Africans in any progress towards genuine negotiations. It warned that such violence could not only derail that process but also create a legacy of profound resentment and hatred that a future South Africa could ill afford.

169. Throughout the period under review, the Special Committee welcomed positive measures taken by the South African authorities towards the creation of an appropriate climate for negotiations such as the repeal of the Group Areas and Land Acts as well as the revisions to the Population Registration Act. The agreement between UNHCR and Pretoria on the voluntary repatriation of South African refugees and political exiles was also welcomed. On those occasions, the Special Committee expressed the hope that the South African

authorities would remove remaining obstacles to negotiations and would undertake sustained and speedy efforts towards the establishment of a non-racial democracy.

170. The Special Committee held two hearings with South Africans. On 1 March 1991, it heard seven South African legal experts on the situation of human rights in the country. The witnesses discussed the effects of current security legislation and future institutional changes. On 9 April 1991, the Special Committee was addressed by four South African academic experts who described the inequities of apartheid education and emphasized discrepancies in funding, the inadequate preparation of Black students in mathematics, sciences and technical disciplines, and the challenges of educational reform within the current political evolution of South Africa.

171. As in previous years, the Special Committee observed the International Day for the Elimination of Racial Discrimination (21 March 1991), the International Day of Solidarity with the Struggling People of South Africa (16 June 1991), the International Day of Solidarity with the Struggle of Women in South Africa (9 August 1991) and the Days of Solidarity with South African Political Prisoners (11 October 1990 and 1991). Prominent individuals were guest speakers at those observances. The last observance was addressed by the Deputy President of ANC, Mr. Walter Sisulu, and by the Mayor of New York, Mr. David Dinkins.

172. The Chairman and members of the Committee had consultations, organized by the Centre Against Apartheid, with various individuals and representatives of organizations visiting New York from South Africa and other countries. They also addressed a number of meetings on the subject of apartheid.

173. At the invitation of ANC, a delegation of the Special Committee participated as observer in the 48th National Conference of ANC at Durban. Entitled "Transfer of Power to the People for a Democratic Future", the Conference was attended by more than 2,000 delegates from all regions of South Africa and by over 300 international guests from 56 countries and 11 international organizations. The Chairman of the Special Committee addressed the conference during the opening session and met with Mr. Nelson Mandela.

2. On required pressure on South Africa

174. The Special Committee continued its efforts to persuade Governments not to relax prematurely existing restrictive measures imposed on South Africa. On a number of occasions, it also welcomed and encouraged actions by the international community to increase assistance to the disadvantaged sectors of South African society.

175. The Chairman of the Committee delivered lectures on apartheid and the current situation in South Africa while on official visits to Jamaica and Trinidad and Tobago in March 1991. Earlier, an article prepared by him was published on 4 February 1991 in the Spanish daily El País. On 7 and 21 May 1991, the Chairman visited the United States Congress in Washington, D.C., to discuss issues related to the required international response to the process in South Africa. Escorted by the Assistant

Secretary-General for the Centre Against Apartheid, the Chairman held consultations with the Chairmen of the Subcommittees on Africa of the Senate and the House of Representatives, Senator Paul Simon, and Congressman Mervyn Dymally, respectively, and a number of other Democratic and Republican Senators and Representatives. At Prague, on 15 June 1991, he had a meeting with the Deputy Foreign Minister of Czechoslovakia, during which he discussed relations between Eastern European countries and South Africa.

176. In seeking to shape further the policy of academic and cultural links with South Africa, and following consultations with South African activists, the Committee organized a Symposium on Cultural and Academic Links with South Africa at Los Angeles in May 1991, in cooperation with the Mayor and City Council of Los Angeles, the Screen Actors Guild of America and the Directors' Guild of America. Participants adopted the Los Angeles Statement, stressing the need to maintain appropriate pressure on Pretoria, to strengthen cultural and academic contacts aimed at undermining apartheid and to assist the culture of resistance against apartheid (see paras. 149 and 150 above).

177. The Special Committee also co-sponsored the International Conference on Eastern Europe and Southern Africa: Supporting Democracy and Development, which was organized by the Association of West European Parliamentarians for Action against Apartheid and the African-European Institute. The Conference, which was held at Prague from 13 to 15 June 1991, was hosted by the Federal Assembly and the Federal Ministry of Foreign Affairs of Czechoslovakia. The Committee participated fully in the opening session and in the working session on "South Africa in transition". The Committee's Chairman called on Eastern European countries to proceed with caution in their relations with South Africa and not to abandon the policy of pressure required for the speedy end of apartheid.

178. The Special Committee held consultations with non-governmental organizations and anti-apartheid movements at Geneva on 4 and 5 November 1991. Representatives of 46 national and international organizations analysed in depth recent developments in South Africa, reviewed their activities and role in support of the ongoing political process in that country and assessed the impact of sanctions and their future. At the end of the consultations, participants adopted a Statement of Action, in which they agreed that pressure through sanctions should be maintained on Pretoria and any adjustments be concomitant with the establishment of an interim government transitional authority and to the agreement on a new constitution. They also recognized that it was essential that the international community provide support to the national liberation movements and all those struggling to secure the democratic transformation of South Africa. 157/

179. Throughout the period under review, the Special Committee continued to monitor measures undertaken by Governments against South Africa and deplored their decisions to unilaterally suspend or lift, partially or in their entirety, sanctions against the apartheid regime. The Chairman, in public statements, expressed regret and disappointment at such action by the European Community, some Eastern European and African countries, Finland, the United States, Austria and Japan, as well as by such institutions as the Deutsche Bank (Germany). On all those occasions, the Special Committee expressed the view that the relaxation of sanctions at this critical stage was unwarranted and premature because conditions for negotiations in a peaceful environment in South Africa had not yet been established.

180. The Chairman of the Special Committee continued to send communications to Permanent Representatives of Member States in the light of their countries' activities regarding South Africa. Several such letters were sent to the Government of Hungary requesting information and clarification on the steps taken by that Government in relation to political, diplomatic and economic relations with South Africa. In addition to Hungary, the Special Committee approached Czechoslovakia, Morocco, Poland, Romania and Yugoslavia regarding their plans to establish or re-establish diplomatic relations with South Africa. Romania, Kenya, Gabon and Angola were requested to provide information on closer economic links with South Africa. Replies were received from Morocco, Poland, Yugoslavia and Gabon.

181. As in previous years, the Special Committee also kept under review the adherence of Member States to sanctions in the military field and brought its observations to the attention of respective Governments. Letters by the Chairman were sent to the Permanent Representatives of the Netherlands, Iraq, Qatar and the United Arab Emirates seeking information on alleged military collaboration and armaments contracts with South Africa. Bangladesh, Turkey and the Sudan were approached concerning alleged port visits by the South African vessel SAS Drakensberg to their countries. Switzerland was requested to provide information on deliveries of Pilatus PC-7 aircraft to the "independent Bantustan" of Bophuthatswana. The Special Committee, on those occasions, reaffirmed its view that such military links were in contravention of Security Council resolution 418 (1977) and numerous resolutions of the General Assembly concerning the arms embargo on South Africa. Replies to the Chairman's letters were received from the Netherlands, Qatar and Argentina. In addition, Argentina, Chile and Paraguay were asked to provide information on sports contacts between teams of their respective armed forces and SADF polo players visiting those countries.

182. On 23 April 1991, the Chairman of the Subcommittee on the Implementation of United Nations Resolutions on South Africa announced the release of a new issue of the Register of Sports Contacts with South Africa for 1991 (see para. 162 above). In April, June and July 1991 the Special Committee, reacting to decisions taken by international sports bodies to readmit South Africa to international sports bodies, reiterated its view that allowing South Africa to participate in the Olympic Games would be premature and would undermine an important component of the international strategy against apartheid. IOC was called upon to cooperate with the Special Committee and the Commission against Apartheid in Sports in order to act in a concerted and comprehensive manner until all sports organizations and federations, as well as activities and facilities in South Africa, have become non-racial.

183. The Special Committee participated in, contributed to and supported projects, conferences, seminars and other events undertaken by non-governmental and anti-apartheid organizations. As in previous years, the Special Committee worked closely with the British Anti-Apartheid Movement, the American Committee on Africa, the German Anti-Apartheid Movement, the Shipping Research Bureau, End Loans to South Africa and the World Campaign against Military and Nuclear Collaboration with South Africa, among others. It also supported programmes of the Afro Arts Cultural Centre, South Africa Now, the Lawyers' Committee for Civil Rights Under Law and the Washington Office on Africa. The Special Committee continued to support the New York-based Africa Arts Fund, Inc., which administers scholarships for South African students in

the arts. While disseminating information on the situation in South Africa and building popular support for the current process of change in that country, these non-governmental organizations helped also to deepen the public's understanding of the provisions of the Declaration and the urgent need for Governments the world over to adhere to its Programme of Action.

184. In this regard, the Special Committee updated and supported the display around the world of the travelling exhibit on apartheid. Representatives of the Special Committee were present at the opening of the exhibit at Buenos Aires, in May 1991, as well as at Berlin, in November 1991. They participated in round-table discussions on the subject of apartheid organized in tandem with the displays. The travelling exhibit was also shown during this period in Bogota, Amsterdam, London, Havana, Rome and Geneva.

3. On assistance to democratic forces in South Africa

185. The International Conference on the Educational Needs of the Victims of Apartheid in South Africa, organized by the Special Committee in cooperation with UNESCO and the United Nations Educational and Training Programme for Southern Africa, was held in Paris from 25 to 27 June 1991. Over 100 participants, including South African experts, and representatives of donor countries and intergovernmental and non-governmental organizations had a unique opportunity to discuss issues related to education, human resources development and bilateral and multilateral programmes of scholarship assistance. Upon conclusion of the conference, participants adopted the Paris Statement on the Educational Needs of the Victims of Apartheid in South Africa (A/AC.115/L.678). While calling on the South African authorities to address fully and urgently the quantitative and qualitative components of the education crisis and to take appropriate measures to overcome inequities created by apartheid, the Statement also included concrete measures of assistance to be taken by the international community in order to support initiatives for the transformation of education in South Africa and the establishment of educational priorities for the period ahead.

4. Cooperation with other United Nations bodies and other organizations

186. The Special Committee pursued its close cooperation with the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa and the Commission against Apartheid in Sports. It expanded its close working relationship with ILO, in particular with the ILO Committee on Action against Apartheid, as well as with the Commission on Human Rights and the Centre for Human Rights at Geneva.

187. The Special Committee, through its Chairman, was represented at meetings of OAU, including those of its Liberation Committee. Of particular importance was the Special Committee's participation in the 54th Ordinary Session of the OAU Council of Ministers at Abuja from 27 May to 1 June 1991. The Special Committee continued to cooperate also with the Movement of Non-Aligned Countries and with other intergovernmental, non-governmental and anti-apartheid organizations and movements.

VI. CONCLUSIONS AND RECOMMENDATIONS

188. The process of creating a negotiating framework towards the end of apartheid reached a new stage in South Africa in the recent period. Despite temporary setbacks and delays and even despite the persistent political violence, which the South African authorities have proven to be unable or unwilling to curb, the convening of a meeting of all parties appears to be imminent. With the exception of the conservative leadership within the White minority, virtually all the political leaders of the South African people agree on the need to commence broad-based substantive negotiations on the constitutional future of their country under the aegis of an independent convenor enjoying the confidence of all concerned parties.

189. A common position elaborated by the major anti-apartheid forces at the conference of the Patriotic/United Front, which has established a clearer framework for the enhancement of the process, has the following objectives: agreement on fundamental principles of a new constitution - based on those envisaged in the 1989 Declaration on Apartheid; on the establishment of an interim government/transitional authority; and on the drawing up of a new constitution by a democratically elected constituent assembly.

190. When agreements on the issues above are concluded, the claim that changes in South Africa are becoming profound would certainly acquire more credibility. Indeed, apartheid will be considered dead only after the attainment of the following strategic objectives: the establishment of transitional arrangements, the adoption of a new constitution, and the installation of a new government after free and fair elections based on the new constitution.

191. The process towards this objective may, however, in the words of the Secretary-General, be lengthy and vulnerable. The repeal of major apartheid laws has of course been a positive step, but the wave of violence and the threat presented by extremist right-wing groups and others, exacerbated by their collaboration with elements of the security forces and other paramilitary groups, present serious obstacles and dangers. The apparent objective of the authorities to give political veto powers to NP and full economic control to the White establishment has already provoked serious objections and would continue to cause complications. Although there is growing convergence on some basic constitutional principles outlined in the Declaration, serious disagreements persist on the transitional arrangements and on the appropriate mechanism to draft the new constitution. Finally, the grave socio-economic inequalities unless addressed on an urgent basis, can undermine the stability required for the negotiations.

192. It is, therefore, the firm view of the Special Committee that the international community should intensify the monitoring of developments in South Africa and identify all dangers that can disrupt the ongoing process of the democratic transformation of the country. Member States, organizations and the world public should keep in mind that the process under way in South Africa does not comprise negotiations among equals towards the settlement of a problem. It is, in effect, the effort to fulfil the aspirations of the South African people and implement the long-standing decisions of the international

community through negotiations. These negotiations are to be held between those who uphold the position and the wish of the international community, namely, the anti-apartheid forces, and those whose origin lies with the architects and beneficiaries of an odious system that has been universally condemned.

193. In this light, it is evident that the international community should continue to exert pressure on the latter party and provide assistance to the former. The exact nature of the pressure should be concomitant with the developments in the country as collectively perceived. The random lifting of sanctions is premature and counter-productive. It deprives the international community of its leverage and ability to promote the process.

194. The establishment of an agreed-upon transitional arrangement, the drawing up of a new constitution and finally the installation of a non-racial democratic government that would emerge from fair and free elections constitute major landmarks that can be viewed as a basis for consideration of adjustment in the nature and content of international pressure. Of course, the representatives of the transitional government or authority could advise the international community further on the specific measures that have to be maintained at any given stage.

195. In the meantime, it is considered productive to resume certain academic and cultural contacts with the democratic organizations of South Africa. Sports contacts with integrated sports disciplines may be also resumed if the appropriate non-racial sports organizations consider such contacts useful. At the same time, the arms embargo should be strictly enforced and the restrictions of the supply and shipping of oil, of high technology and of other products, which enhance the military and nuclear capability of South Africa, should be maintained until the adoption of a non-racial, non-sexist, democratic constitution.

196. On the other hand, assistance to democratic forces should increase, particularly in order to enhance their strength and capabilities during the negotiating process. The international community should also help in the reintegration of returning political refugees and exiles and the released political prisoners, as well as in preparing programmes aimed at contributing to the redress of serious socio-economic inequalities, particularly in the areas of education, training, health and housing.

197. It is essential that pressure on the regime and assistance to the disadvantaged people of South Africa be concerted and effective. The high degree of contradiction, uncertainty and even unpredictability, which remain as distinctive features of this phase of transition in South Africa, require a heightened degree of consensus of the international community.

198. Thus, the Special Committee against Apartheid, which at the international level is the focal point on the issues of apartheid and South Africa, intends to exert every effort to preserve and strengthen the international consensus on the subject. This consensus has been a significant factor in the success of the current political process and its desired outcome. At the same time, the efforts of the Secretary-General to promote the process should be strengthened and the Centre Against Apartheid should assist him in forging a concerted approach towards South Africa by all offices and agencies of the United Nations system.

199. The main task of the Special Committee and the Centre Against Apartheid at this stage is to encourage through all available means the ongoing process of broad-based negotiations on the establishment of a non-racial multi-party democracy in South Africa and to assist in keeping the negotiations on track.

200. In its programme of work for 1992, therefore, the Special Committee will be guided by a two-track approach, namely, pressure and assistance. Through missions, reports, hearings, seminars and conferences, the Committee will place emphasis on the need for close monitoring of developments in South Africa and for concerted pressure on the authorities and increased assistance to the anti-apartheid forces and the disadvantaged sectors of the society. Issues such as constitution building, human rights, domestic peace, education and training and ways to help address the serious socio-economic inequalities in the country will receive special attention.

201. In view of the above, the Special Committee recommends to the General Assembly that it should:

(a) Reaffirm the principles, guidelines and programme of action contained in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by consensus on 14 December 1989 at the sixteenth special session of the General Assembly, and resolution 45/176 A of 19 December 1990, as well as decision 45/457 B of 13 September 1991;

(b) Reaffirm its support for the legitimate struggle of the South African people for the eradication of apartheid through peaceful means and the establishment of a united, non-racial and democratic society in South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms and human rights;

(c) Note the positive measures introduced thus far by the South African authorities, including the repeal and amendment of major apartheid laws;

(d) Call upon the South African authorities to establish the necessary climate for free political activity, in particular by ensuring the immediate release of all remaining political prisoners, as well as the unhindered return of exiles, by repealing repressive legislation still in place and by addressing the glaring inequalities created by apartheid laws;

(e) Express its grave concern that the persistence of violence, a legacy of the apartheid system, perpetrated by those opposed to the democratic transformation of the country, poses a threat to the negotiating process and is thus detrimental to the vital interests of all the people of South Africa;

(f) Call for an immediate end to violence and urge the South African regime to take immediate action to address the recurring violence by ensuring that all competent authorities act effectively and impartially against all those responsible for violence and acts of terrorism, particularly extremist groups and others opposed to the democratic transformation of the country;

(g) Welcome the recent signing of the National Peace Accord, call on all its signatories to manifest their commitment to peace by fully implementing its provisions and call upon all other parties to contribute to the attainment of its objectives;

(h) Welcome the efforts of all parties, including ongoing talks among them, aimed at facilitating the commencement of substantive broad-based negotiations towards a new constitution and arrangements on the transition to a democratic order;

(i) Call upon the representatives of the people of South Africa to commence in good faith, urgently, broad-based substantive negotiations towards an agreement on the basic principles enunciated in the Declaration; on the modalities for the elaboration of a new constitution; on transitional arrangements inspiring general confidence in the administration of the country until the new constitution takes effect; and on the role that can be played by the international community in ensuring a successful transition to a democratic order;

(j) Call on the international community to give its full support to the vulnerable and critical process now under way in South Africa through a collective and phased application of appropriate pressure on the South African regime and through assistance to the opponents of apartheid and the disadvantaged sectors of society in order to ensure the rapid and peaceful attainment of the objectives of the Declaration;

(k) Call on the international community to resume academic, scientific and cultural links with democratic anti-apartheid organizations and individuals in these fields; to resume sports links with unified non-racial sporting organizations of South Africa and assist disadvantaged athletes in that country; and to remove restrictions on tourism and air and other transport links;

(l) Call on the international community to maintain remaining restrictive measures until transitional arrangements, inspiring general confidence in the administration of the country during an interim period, have been established and, at a later stage, agreement has been reached on a new, non-racial democratic constitution, unless specific recommendations are made on this matter by a transitional South African administration;

(m) Further call for the strict observance of the mandatory arms embargo, the full implementation of which should be monitored effectively by the Security Council; and for the maintenance of the restrictions on the export to apartheid South Africa of computers, communication equipment, and the provision of technology and military intelligence, which can be used for its military and nuclear industry, until free and fair elections have been held and a new democratic government has been established;

(n) Further call on the international community to increase its material, financial and other contributions to help address the glaring socio-economic inequalities, particularly in the areas of education, health, housing and social welfare. Such assistance should be provided only to organizations demonstrating a clear commitment to peace;

(o) Call on the international community to increase humanitarian and legal assistance to the victims of apartheid and violence, the returning refugees and exiles and released political prisoners;

(p) Authorize the Secretary-General to provide, through the relevant United Nations agencies and offices, and in a concerted manner, humanitarian assistance inside South Africa for the reintegration of political exiles and released political prisoners;

(q) Further authorize the Secretary-General, upon the establishment of transitional arrangements, to expand, in a concerted manner and through the relevant United Nations agencies and offices, the scope of assistance provided inside South Africa;

(r) Urge the international community to support the current efforts in Angola and Mozambique to achieve a durable peace in their countries, which would contribute to the stability and prosperity of the region;

(s) Appeal to all Governments and organizations to render all possible assistance to the front-line States, particularly Angola and Mozambique, to enable them to reconstruct their economies, which have been devastated as a result of years of destabilization;

(t) Request the Secretary-General to continue to ensure the coordination of activities of the United Nations system in the implementation of the Declaration and report to the General Assembly at its forty-seventh session, and further request him to continue monitoring the implementation of the Declaration as well as pursuing appropriate initiatives to facilitate all efforts leading to the peaceful eradication of apartheid;

(u) Authorize the Special Committee against Apartheid, in accordance with its mandate and acting as a focal point, with the support services of the Centre Against Apartheid, (i) to continue monitoring closely the situation in South Africa and the actions of the international community, particularly regarding the need for maintaining pressure on South Africa as called for in the Declaration, and the need for assistance to the anti-apartheid democratic forces; (ii) to continue mobilizing international action against apartheid, inter alia, through collection, analysis and dissemination of information; liaison and consultation with Governments, intergovernmental and non-governmental organizations and relevant individuals and groups inside and outside South Africa; as well as through hearings, conferences, missions and publicity; and (iii) to continue undertaking relevant activities, aimed at supporting the political process in South Africa;

(v) Appeals to all Governments, intergovernmental and non-governmental organizations, information media and individuals to cooperate with the Centre Against Apartheid and the Department of Public Information of the Secretariat in their respective activities against apartheid, in particular in monitoring developments concerning international action against apartheid and in disseminating information on the situation in South Africa.

PART TWO

REPORT ON RECENT DEVELOPMENTS CONCERNING RELATIONS BETWEEN SOUTH AFRICA AND ISRAEL

I. INTRODUCTION

202. For almost two decades the Special Committee has monitored with concern the relations between Israel and South Africa in the light of the close links between the two countries, particularly in the military and nuclear fields. The present report, which covers the period from October 1990 to November 1991, has been prepared in response to the request contained in General Assembly resolution 45/176 D of 19 December 1990.

203. Evidence shows that Israel is maintaining military links with Pretoria in contravention of the United Nations mandatory arms embargo imposed on South Africa (Security Council resolution 418 (1977) of 4 November 1977), and the credibility of the Israeli assurance that "no new contracts will be undertaken" is undermined by that Government's vagueness over the expiration date of current contracts. Thus, the present report aims to review developments in all aspects of the relationship between Israel and South Africa in the light of contingent events of the last year, such as Israel's lifting of economic sanctions on Pretoria and the latter's accession in June 1991 to the Treaty on the Non-Proliferation of Nuclear Weapons.

II. MILITARY AND NUCLEAR COLLABORATION

204. The alleged collaboration between South Africa and Israel in the nuclear field causes the most concern to the Special Committee and to the international community as a whole. South Africa produces uranium and has the facilities to enrich that uranium to weapons-grade level. As long ago as in August 1988 Foreign Minister Mr. Roelof Botha stated: "We have the capability to make one [nuclear bomb] should we want to". In that context, the World Campaign has throughout the past three decades argued that South Africa has been pursuing a nuclear weapons programme and has called for an end to the close cooperation extended to South Africa by several Western States and Israel, which has allowed Pretoria to undertake such programmes. 158/

205. Since a United States satellite detected an apparent flash over the Atlantic Ocean close to South Africa in 1979, the international community and the United Nations have taken steps to prevent South Africa from obtaining technological assistance that would accelerate the development of its nuclear programme. Allegations made by such sources as the United States Central Intelligence Agency that Israel has "participated in certain nuclear research activities" are significant since Israel is known to have an advanced nuclear weapons project and is the beneficiary of sophisticated United States armaments technology.

206. The military and nuclear collaboration between Israel and South Africa was the subject of elaboration in a book published in 1991 entitled The Samson Option by the United States journalist Seymour Hersh. He confirmed previous reports that South Africa and Israel had tested a nuclear warhead 1,500 miles off the Cape of Good Hope in September 1979. The book also included information concerning the circumstances surrounding the kidnapping of the Israeli nuclear technician, Mordechai Vanunu, who revealed information on Israeli military nuclear programmes. 159/

207. In June 1991 (see A/46/302), South Africa agreed to become a party to the Treaty on the Non-Proliferation of Nuclear Weapons; on 10 July 1991, it deposited an instrument of accession to the Treaty in Washington, D.C., and concluded a safeguards agreement with the International Atomic Energy Agency (IAEA). (The United States of America is one of the three depositories of the Treaty, the others being the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics.) In this context, the IAEA General Conference, held at Vienna in September 1991, adopted resolution GC(XXXV)/RES/567, which requested the Director General of IAEA "to ensure early implementation of the safeguards agreement", and "to verify the completeness of the inventory of South Africa's nuclear installations and material" (see A/46/572, annex). In his announcement concerning the Non-Proliferation Treaty, Mr. F. W. de Klerk stated that the end of the cold war and the withdrawal of Cuban forces from Angola contributed to his Cabinet's decision to sign the Treaty. This was the first time that Pretoria had given a clear indication that its earlier refusal to sign the Treaty was due to the military nature of its nuclear programme. The World Campaign, however, considers that Pretoria and its allies, may "have decided to remove and demobilize South Africa's nuclear weapons so as to prevent a democratically elected government from inheriting such a military capability". 160/

208. The 1990 report of the Secretary-General on the denuclearization of Africa (A/45/571 and Corr.1) focuses especially upon Israeli technical assistance in South Africa's programme to develop a ballistic missile capable of serving as a delivery system for nuclear warheads: amongst its conclusions is the assertion that South Africa has a long-range missile programme, for which "the only source of officially licensed foreign missile technology today is Israel" (para. 150) although the report conceded (para. 78) that evidence for Israeli-South African cooperation on long-range missiles still remained largely circumstantial.

209. In the recent period, several reports have appeared of missile testing by South Africa. On 19 November 1990, the South African Press Association reported that ARMSCOR had announced that it had test-fired a "booster rocket" from the Overberg test-site. 161/ The rocket in question is thought by United States intelligence circles to be the "Shavit", a modified version of Israel's Jericho II missile, which has nuclear capabilities. On 3 May 1991, the Washington Times reported that a United States spy satellite had recently photographed preparations for the launching of a missile from the Arniston test-range in Cape province. No subsequent confirmation of the report, either from Pretoria or from Washington, has been forthcoming.

210. Two separate press reports in the first half of 1991 suggest that South Africa may have the technology to manufacture a sophisticated anti-ballistic missile system. According to an article in a United States army newsletter, 162/ negotiations between the United States and Israel over a joint strategic defence initiative project were stalling because of United States fears that Israel might re-export the technology. 163/ The possibility that South Africa could be the third party recipient of the United States-originated technology is corroborated by the allegations made by the French television network TF1 on 19 January 1991 that Israel and South Africa had co-developed an anti-missile device comparable to the United States-produced Patriot missile. Further information in this regard appeared in press reports during October 1991, indicating that even though United States intelligence agencies had determined that Israel had exported key ballistic missile components to South Africa, the Administration had decided to waive sanctions against Israel called for under United States law. Several explanations were offered for such a decision, the main one being the United States concern with Israel's present role in the Middle East peace conference. 164/

211. Warning that South Africa is seeking to secure the relaxation of nuclear sanctions imposed against it, the World Campaign has issued an appeal to the European Community and the international community to maintain nuclear sanctions. The World Campaign considers that the accession to the Non-Proliferation Treaty is also aimed at weakening the United Nations mandatory arms embargo so that South Africa can obtain vital components and technology for the current missile programme it is developing jointly with Israel. 165/ In that connection, a recent report of the meeting of experts concerning a convention or treaty on the denuclearization of Africa underscored the absolute need for South Africa to be subjected to the obligations deriving from Africa's status as a nuclear-weapon-free zone (see A/C.1/46/9, annex).

III. OTHER ASPECTS OF THE COLLABORATION

212. The total combined trade between Israel and South Africa, according to official figures, fell from $343 million in financial year 1989 to $317 million in 1990. 166/ The reduction in total bilateral trade results from the drop in Israeli exports to Pretoria of 41 per cent: over the same year South Africa's reciprocal exports rose by over 20 per cent. Following the announcement of Israel's decision to lift sanctions against South Africa, the Israeli Economic and Commercial Affairs Consul to South Africa said that bilateral trade between the two countries was expected to treble to around $1 billion within the next four or five years. 167/

213. Even before the lifting of trade sanctions was announced, Anglo-American, South Africa's largest conglomerate, disclosed its first investment in Israel: a venture capital fund aimed at identifying and developing Israeli technology. Observers point out that the fund, AATKS, may possibly facilitate the transfer to South Africa of sophisticated "dual-use" technology with military application, but its primary purpose may be to penetrate, via Israel, the European market for high technology.

214. Cooperation in the exchange of medical technology and products also seems to be growing. At the opening of a seminar at Johannesburg to encourage cooperation in the medical field between the two countries, the Ambassador of Israel to South Africa stated: "We see South Africa as a very important target for medical products". 168/ Press reports from January 1991 say that South Africa sent to Israel vaccines against cholera, typhus and anthrax to be used in case of a biological weapons attack by Iraq. 168/

215. Trade between Israel and the "independent Bantustans" is an issue that the Special Committee has followed closely for several years. 169/ It was reported that a senior delegation from the Bophuthatswana National Development Corporation visited Israel in June 1991 to promote investment in the Bantustan by offering various tax incentives especially to attract high-technology commerce.

216. On 10 November 1991, Mr. F. W. de Klerk, accompanied by his Foreign Minister, arrived in Israel on a three-day State visit. The official purpose of Mr. de Klerk's visit was to sign memoranda of agreement on cooperation in a number of fields. As for other political links within South Africa, according to press reports, Israel has continued its relations with some of the Bantustans and has strengthened its already well-established relationship with IFP, which was inaugurated by the visit to Israel of IFP leader Chief Mangosuthu Gatsha Buthelezi in 1985. According to a report by the Johannesburg-based Star, published in July 1991, several senior members of IFP made a "State" visit to Israel in June 1991. It was reported by the South African press that some 200 Inkatha men were trained by the Israeli military in 1986, the year Pretoria started secretly funding IFP. In addition, a close aide of the IFP leader was trained in Israel in "security techniques". 170/ According to another report, Israel was directly involved in providing military training for some 800 members of IFP. 171/

IV. CONCLUSIONS AND RECOMMENDATIONS

217. The Special Committee against Apartheid considers that, in spite of repeated Israeli statements that its relations with South Africa have been curtailed, reports still point to ongoing collaboration, especially in the military and nuclear fields.

218. The Special Committee considers that the provision of Israeli technology and know-how to South Africa, in particular the recent revelations about Israel's collaboration with South Africa in developing the latter's missile technology with its nuclear implications, constitutes additional evidence of Israel's violations of the mandatory arms embargo.

219. The Special Committee recommends that the General Assembly call upon Israel to cease forthwith its continuing collaboration with South Africa particularly in the military and nuclear fields, and authorize the Special Committee to continue monitoring relations between Israel and South Africa and to report thereon as appropriate.

Notes

1/ The five steps are: (a) the release of all political prisoners and detainees unconditionally and refraining from imposing any restrictions on them; (b) the lifting of all bans and restrictions on all proscribed and restricted organizations and persons; (c) the removal of all troops from the townships; (d) ending the state of emergency and repealing all legislation, such as the Internal Security Act, designed to circumscribe political activity; and (e) ceasing all political trials and political executions.

2/ See, for example, resolutions 44/244 and 45/176 A.

3/ Human Rights Commission of South Africa, Special Report SR-11, "The New Total Strategy - Twelve months of community repression", Braamfontein, August 1991, and The New York Times, 20 October 1991.

4/ International Committee of the Red Cross, Media 7, No. 26, 17 October 1991.

5/ Human Rights Commission, op. cit.

6/ Amnesty International, statement to the United Nations Ad Hoc Working Group of Experts on Southern Africa, 24 July 1991, and Business Day (Johannesburg), 18 September 1991.

7/ Amnesty International, op. cit.

8/ The New York Times, 20 July 1991, and The Washington Post, 22 July 1991.

9/ ANC, statement of the National Working Committee on State-sponsored Violence and Funding of Inkatha, 22 July 1991.

10/ This distrust was further strengthened by new revelations, in September 1991, concerning the covert funding by the police's former Security Branch of the Liaison Bureau for Labour Relations Services, see Business Day (Johannesburg), 27 September 1991.

11/ Human Rights Commission, op. cit., and Human Rights Update, August 1991.

12/ National Peace Accord, National Peace Convention, Johannesburg, 14 September 1991.

13/ The Star (Johannesburg), 9 October 1991.

14/ The Guardian (London), 22 October 1991.

15/ COSATU, press statement, 5 September 1991.

16/ Human Rights Commission, testimony to the United Nations Ad Hoc Group of Experts on Southern Africa, 22 July 1991.

17/ On 8 September 1991, three unknown gunmen opened fire on supporters of IFP marching to a peace rally in the township of Thokoza, killing 23 and injuring 26 of them. A series of retaliatory attacks followed in various townships, which resulted in the death of 57 persons in one day of violence. See Financial Times (London), 9 and 10 September 1991.

18/ The Independent (London), 19 July 1991.

19/ Human Rights Commission, Human Rights Update, August 1991. On 13 September 1991, two extreme-right activists were sentenced to death on charges of murder and attempted murder. The two men had opened fire with automatic weapons on a bus carrying Black passengers in Natal in October 1990. See The Guardian (London), 14 September 1991. It is estimated that extreme-right attacks resulted in the death of 11 persons between January and August 1991.

20/ Independent Board of Inquiry into Informal Repression, report for the month of September 1991.

21/ Human Rights Commission, Human Rights Update, August 1991.

22/ Letter dated 9 October 1991 from the Permanent Representative of South Africa to the United Nations addressed to the President of the General Assembly (A/46/554).

23/ Human Rights Commission, press statement 91/29, 9 October 1991.

24/ Lawyers for Human Rights, submission to the United Nations, 17 October 1991.

25/ Ibid., and Human Rights Commission, "Focus on Government handling of political prisoners' release", 17 July 1991.

26/ Business Day (Johannesburg), 18 October 1991.

27/ Lawyers for Human Rights, submission to the United Nations, 17 October 1991.

28/ Human Rights Commission, submission for the second progress report by the Secretary-General on the implementation of the Declaration on Apartheid and Its Destructive Consequences in Southern Africa, 6 August 1991.

29/ Memorandum of Understanding between the Government of the Republic of South Africa and the United Nations High Commissioner for Refugees on the Voluntary Repatriation and Reintegration of South African Returnees, 4 September 1991.

30/ See the note by the Secretary-General on the situation of human rights in South Africa (A/46/401).

31/ Amnesty International, op. cit.

32/ Human Rights Commission, Weekly Repression Report, from 14 to 20 October 1991 and from 28 October to 3 November 1991.

33/ Ibid., "The New Total Strategy - Twelve months of community repression", Special Report SR-11, Braamfontein, August 1991.

34/ The Working Group of Experts referred, in particular, to the release or the commuting of death sentences to prison sentences for the Upington 14 (see A/46/401, para. 23).

35/ The Weekly Mail (Johannesburg), 23 August 1991.

36/ "Human Resource Development for a Post-Apartheid South Africa", report of a Commonwealth Expert Group, London, June 1991.

37/ Leadership/The Watershed Years, "Stand and Deliver", Johannesburg, 1991.

38/ South African Institute of Race Relations, Social and Economic Update 16, Braamfontein, July 1991.

39/ COSATU, press statement, 2 October 1991.

40/ South African Institute of Race Relations, Social and Economic Update 16, Braamfontein, July 1991, and "Human Resource Development in a Post-Apartheid South Africa", report of a Commonwealth Expert Group, London, June 1991.

41/ Cape Times (Cape Town), 2 October 1991.

42/ "Human Resource Development ...", op. cit.

43/ A/AC.115/L.675, para. 75.

44/ South African Institute of Race Relations, Social and Economic Update 15, special issue on education renewal, July 1991.

45/ Ibid., Quarterly Countdown 19, July 1991.

46/ The Guardian (London), 14 October 1991.

47/ White Paper on Land Reform, March 1991.

48/ ANC, press statement, 10 June 1991.

49/ Lawyers' Committee for Civil Rights Under Law, Southern Africa Project, Washington, D.C., September 1991.

50/ ANC, discussion document, "Constitutional Principles and Structures for a Democratic South Africa", April 1991.

51/ PAC, press release, 2 August 1991.

52/ Resolutions of the forty-eighth National Conference of ANC, Durban, July 1991.

53/ Cape Times (Cape Town), "PAC Viewpoint", 2 August 1991.

54/ Declaration adopted at the Patriotic Front Conference, Durban, 25-27 October 1991, and The New York Times, 27 and 28 October 1991.

55/ Business Day (Johannesburg), 25 October 1991.

56/ Declaration adopted at the Patriotic Front Conference, Durban, 25-27 October 1991.

57/ Cape Times (Cape Town), "PAC Viewpoint", 4 September 1991.

58/ Address by President de Klerk at the opening of the third session of the Ninth Parliament of the Republic of South Africa, 1 February 1991, and the second progress report of the Secretary-General (A/45/1052), paras. 128 and 129.

59/ South African Reserve Bank, Quarterly Bulletin, Pretoria, June 1991.

60/ The Star (Johannesburg), 9 October 1991, and The Weekly Mail (Johannesburg), 12-18 July 1991.

61/ Economist Intelligence Unit, South Africa Country Report No. 3, London, August 1991.

62/ Financial Mail (Johannesburg), 19 July 1991.

63/ S.A. Barometer (Johannesburg), 29 March 1991.

64/ The Star (Johannesburg), 13 February 1991.

65/ South African Reserve Bank, Quarterly Bulletin, Pretoria, September 1990.

66/ Andrew Levy and Associates, "Data and Union Profiles", Rivonia, vol. 9, No. 8.

67/ Financial Mail (Johannesburg), 5 April 1991, and Financial Times (London), 16 April 1991.

68/ Jennifer D. Kibbe, U.S. Business in Post-Sanctions South Africa: The Road Ahead, Investor Responsibility Research Center (Washington, D.C., August 1991.

69/ Business Day (Johannesburg), 5 September 1991; Cape Times (Cape Town), 5 September 1991; and The Citizen (Johannesburg), 13 September 1991.

70/ S.A. Dialogue (Johannesburg), July 1991, and Financial Times (London), 11 July 1991.

71/ Statement by Richard Hengeveld, Shipping Research Bureau, Amsterdam, at the hearings of the United Nations Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, held in New York on 15 August 1991.

72/ Business Day (Johannesburg), 28 January 1991; The Star (Johannesburg), 7 February 1991 and 10 July 1991; and The Citizen (Johannesburg), 6 September 1991.

73/ Cape Times (Cape Town), 24 May 1991, and The Star (Johannesburg), 3 July 1991.

74/ Jonathan I. Leape, South Africa's Foreign Debt: Prospects for the 1990s, Centre for the Study of the South African Economy and International Finance, London, forthcoming.

75/ Financial Times (London), 8 July 1991.

76/ Jonathan I. Leape, The significance of South Africa's first public bond issue: A brief assessment, Centre for the Study of the South African Economy and International Finance, London, 30 September 1991.

77/ United Nations Centre on Transnational Corporations, Transnational Corporations in South Africa, forthcoming.

78/ Stockholm International Peace Research Institute, SIPRI Yearbook 1991.

79/ S.A. Barometer (Johannesburg), vol. 5, No. 6, 29 March 1991.

80/ Business Day (Johannesburg), 23 July 1991.

81/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 22 (A/45/22), paras. 64-69.

82/ Paratus (ARMSCOR magazine), July 1982, quoting Managing Director F. J. Bell.

83/ Cape Times (Cape Town), 23 March 1991.

84/ Business Day (Johannesburg), 31 July 1991.

85/ The Weekly Mail (Johannesburg), 12-18 April 1991.

86/ Business Day (Johannesburg), 22 July 1991.

87/ Ibid., 25 June 1991.

88/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 22 (A/45/22). For instance, the Special Committee cited in its last report allegations that the United Arab Emirates had ordered at least 50 units of the South African G6 self-propelled 155 mm artillery system, and that Iraq had purchased 200 G5-towed howitzers between 1984 and 1988.

89/ World Campaign against Military and Nuclear Collaboration with South Africa, Oslo, December 1990.

90/ The Star (Johannesburg), 29 January 1991.

91/ Southscan (London), 31 May 1991.

92/ Shipping Research Bureau, Newsletter on the Oil Embargo against South Africa, Amsterdam, fourth quarter 1990.

93/ The Weekly Mail (Johannesburg), 18-24 January 1991.

94/ Anti-Apartheid News (London), January-February 1991, and The Citizen (Johannesburg), 18-24 January 1991.

95/ World Campaign against Military and Nuclear Collaboration with South Africa, Oslo, in Anti-Apartheid News (London), January-February 1991, and The Weekly Mail (Johannesburg), 18-24 January 1991.

96/ Note verbale dated 30 November 1990 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General (S/AC.25/1990/64).

97/ World Campaign, op. cit., January-February 1991.

98/ The Independent (London), 28 January 1991.

99/ The Citizen (Johannesburg), 29 January 1991.

100/ Letter dated 23 July 1991 from the Permanent Mission of Iraq to the United Nations addressed to the Special Committee.

101/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 22 (A/45/22), paras. 199 and 200.

102/ The Wall Street Journal (New York), 12 October 1990.

103/ Financial Times (London), 24 May 1991.

104/ The Washington Post, 20 September 1990.

105/ Southscan (London), 15 February 1991, and The Weekly Mail (Johannesburg), 30 June-6 July 1991.

106/ United States Department of Justice, United States Attorney, Eastern District of Pennsylvania, 31 October 1991.

107/ The Federal Register, Washington, D.C., vol. 56, No. 199, 15 October 1991.

108/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 22 (A/45/22), para. 205.

109/ It was recently reported that Industrias Cardoen was diversifying into areas such as lorry-building and fruit production. See also the letter dated 30 July 1990 from the Permanent Representative of Chile to the United Nations addressed to the Special Committee.

110/ Southscan (London), 22 March 1991.

111/ Jane's Defence Weekly (London), 27 January and 24 March 1990.

112/ See the previous four annual reports of the Special Committee.

113/ The Guardian (London), 24 January 1991.

114/ Naval Institute Proceedings, United States, quoted in The Guardian, op. cit.

115/ Southscan (London), 21 June 1991.

116/ Ibid., 18 January 1991, quoting World Airnews.

117/ Meanwhile, the Transport Minister of Uganda has suspended five airline pilots and has established a six-man committee of inquiry into the incident. See Business Day (Johannesburg), 5 September 1991, and The Guardian (London), 5 September 1991.

118/ The Citizen (Johannesburg), 25 March 1991.

119/ Letter dated 12 June 1991 from the Acting Permanent Representative of the Netherlands to the United Nations addressed to the Special Committee.

120/ Southscan (London), 18 January 1991.

121/ The Citizen (Johannesburg), 1 August 1991.

122/ The Washington Post, 17 January 1991.

123/ The Weekly Mail (Johannesburg), 18-24 January 1991.

124/ The Guardian (London), 21 October 1991, and the letter dated 14 October 1991 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General (A/46/576).

125/ The Citizen (Johannesburg), 27 August 1991, and Mozambique Information Office News Review (London), 22 August 1991.

126/ Financial Times (London), 30 April 1991.

127/ The Washington Post, 1 February 1991.

128/ Joint statements on Walvis Bay and the offshore islands made at Windhoek on 17 May and 24 September 1991.

129/ Financial Mail (Johannesburg), 22 March 1991.

130/ In a letter dated 16 September 1991 addressed to the Secretary-General, the Permanent Representative of South Africa to the United Nations annexed a press statement by the Minister of Foreign Affairs, Mr. R. F. Botha, in reaction to the second progress report (A/46/476).

131/ International Labour Conference, Provisional Record 15, 78th Session, Geneva, 1991.

132/ "Abuja Declaration on South Africa", Centre Against Apartheid Notes and Documents, No. 15/91, June 1991.

133/ Business Week (New York), 29 April 1991.

134/ Commonwealth news release, CFMS Concluding Statement, New Delhi, 13 and 14 September 1991 and CFMS Concluding Statement, London, 16 February 1991.

135/ Commonwealth news release, CHOGM Communiqué, Harare, 16-22 October 1991.

136/ The New York Times, 11 July 1991.

137/ British Anti-Apartheid Movement press release, London, 22 July 1991.

138/ Those organizations include the American Committee on Africa, the Inter-Faith Center on Corporate Responsibility, the Labour Committee against Apartheid, the Lawyers' Committee for Civil Rights Under Law, Transafrica and the Washington Office on Africa.

139/ IRRC press releases, Washington, D.C., 21 August 1991.

140/ Immobilize Apartheid Coalition, New York, 10 October 1991; End Loans to South Africa press release, London, 28 August 1991; and German Anti-Apartheid Movement press release, Frankfurt, 26 August 1991.

141/ The target of the protests were the following banks: Deutsche Bank (Germany), Generale Bank (Belgium), Banque Paribas (France), Schweizerisher Bankverein (Switzerland), Kleinwort Benson (United Kingdom) and J. P. Morgan (United States).

142/ Southern Africa Church News, "Cape Town Statement: The Context", Middlesex, October 1991.

143/ See The Weekly Mail (Johannesburg), 28 June-4 July 1991.

144/ For a report of the Symposium, see document A/AC.115/L.677; see also the text of the Athens Appeal (A/43/606-S/20184, annex).

145/ Press release GA/AP/2040 of 11 July 1991 issued by the Acting Chairman of the Special Committee against Apartheid, and press release dated 9 July 1991 by IOC.

146/ PAC media release, 17 July 1991, and statement by PAC President Clarence Makwetu, Harare, 21 October 1991.

147/ The Times (London), 20 December 1990.

148/ The Citizen (Johannesburg), 9 July 1991.

149/ The Sun (London), 11 July 1991.

150/ Reuters News Agency, Johannesburg, 23 September 1991.

151/ Cape Times (Cape Town), 16 July 1991.

152/ The Weekly Mail (Johannesburg), 12-18 July 1991.

153/ Xinhua News Agency, Harare, 19 July 1991.

154/ The Citizen (Johannesburg), 7 October 1991.

155/ Resolution No. 15/4/AG-ACNOA/Association of National Olympic Committees of Africa, Cairo, 21 September 1991.

156/ Centre Against Apartheid Notes and Documents, No. 11/91, May 1991.

157/ Statement of Action by the Anti-Apartheid Movements and Non-Governmental Organizations, Geneva, 4 and 5 November 1991.

158/ Bulletin of Atomic Scientists, January-February 1991, and World Campaign against Military and Nuclear Collaboration with South Africa, Oslo, 28 June 1991.

159/ The Independent (London), 11 November 1991; see also Official Records of the General Assembly, Forty-fifth Session, Supplement No. 22 (A/45/22), part two, para. 13.

160/ See Information Note 1/A0991 of the World Campaign ..., op. cit., 4 October 1991.

161/ Israeli Foreign Affairs (Sacramento), 22 May 1991.

162/ Inside the Army, 13 May 1991.

163/ Southscan (London), 24 May 1991.

164/ The Washington Post, 27 October 1991.

165/ World Campaign ..., op. cit.

166/ Southscan (London), 28 June 1991.

167/ Cape Times (Cape Town), 15 July 1991.

168/ Die Beeld (Johannesburg), 17 January 1991.

169/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 22 (A/44/22), part two.

170/ The Independent (London), 11 November 1991.

171/ Southscan (London), 26 July 1991.

ANNEX I

Composition of the Special Committee against Apartheid and its subsidiary bodies, and of the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa, and of the Commission against Apartheid in Sports

A. Special Committee against Apartheid

1. The Special Committee against Apartheid, established by General Assembly resolution 1761 (XVII) of 6 November 1962, is composed of the following 17 Member States: a/

Algeria	Malaysia	Sudan
Ghana	Nepal	Syrian Arab Republic
Guinea	Nigeria	Trinidad and Tobago
Haiti	Peru	Ukraine
India	Philippines	Zimbabwe
Indonesia	Somalia	

2. At its 645th meeting, on 31 January 1991, the Special Committee unanimously re-elected Professor Ibrahim A. Gambari (Nigeria) as its Chairman, and Mr. Jai Pratap Rana (Nepal), Ms. Marjorie Thorpe (Trinidad and Tobago) and Mr. Guennadi I. Oudovenko (Ukraine) as Vice-Chairmen. Mr. Virendra Gupta (India) was re-elected as Rapporteur.

3. Upon the departure from New York of Mr. Rana (Nepal) and Mr. Gupta (India), one position of Vice-Chairman and that of Rapporteur became vacant. At its 653rd meeting, on 28 October 1991, the Special Committee elected Mr. Jayaraj Acharya (Nepal) as its Vice-Chairman and Mr. Suresh K. Goel (India) as its Rapporteur.

4. At its 645th meeting, on 31 January 1991, the Special Committee also elected Mr. Kofi Nyidevu Awoonor (Ghana) as Chairman of its Subcommittee on the Implementation of United Nations Resolutions on South Africa and Mr. Simbarashe Simbanenduku Mumbengegwi (Zimbabwe) as Chairman of its Subcommittee on Developments in South Africa.

B. Subsidiary bodies of the Special Committee

Subcommittee on the Implementation of United Nations Resolutions on South Africa:

Ghana (Chairman), Guinea, Nepal, Nigeria, Philippines, Somalia, Sudan, Syrian Arab Republic.

Subcommittee on Developments in South Africa:

Algeria, Haiti, India, Indonesia, Malaysia, Peru, Trinidad and Tobago, Ukraine, Zimbabwe (Chairman).

C. Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa

Algeria, Cuba, Indonesia, Kuwait (Vice-Chairman), New Zealand, Nicaragua, Nigeria, Norway (Rapporteur), Ukraine, United Republic of Tanzania (Chairman).

D. Commission against Apartheid in Sports b/

Gbedevi Zikpu Aguigah	(Togo)
Abdul Karim M. Al-Ethawy	(Iraq)
James Victor Gbeho	(Ghana)
Raul Gonzalez Rodriguez	(Mexico)
Lionel A. Hurst	(Antigua and Barbuda)
Joseph Lagu	(Sudan)
Francis Malambugi	(United Republic of Tanzania)
E. Besley Maycock	(Barbados)
Sedfrey Ordonez	(Philippines)
Vladimir Platonov	(Ukraine)
Allan Rae	(Jamaica)
Jai Pratap Rana	(Nepal)
Boris Topornin	(Union of Soviet Socialist Republics)
Zoumana Traore	(Burkina Faso)
Mulu Wale	(Ethiopia)

Notes

a/ Hungary withdrew from the Special Committee on 30 November 1990.

b/ According to the International Convention against Apartheid in Sports (see General Assembly resolution 40/64 G, annex), in particular art. 11, para. 5, the members of the Commission "shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the Commission".

ANNEX II

Chronology of statements issued by the Special Committee

1.	GA/AP/2007 (23 November 1990)	Deploring findings of the Harms Commission of Inquiry on activities of South African "death squads"
2.	GA/AP/2009 (5 February 1991)	On policies on land for the Black majority
3.	GA/AP/2010 (21 February 1991)	Expressing grave concern over assassination of ANC lawyer
4.	GA/AP/2012 (11 March 1991)	Observance of International Day for the Elimination of Racial Discrimination
5.	GA/AP/2015 (28 March 1991)	Appealing for an end to renewed violence in South Africa
6.	GA/AP/2017 (19 April 1991)	Welcoming joint decision to establish Patriotic Front
7.	GA/AP/2018 (22 April 1991)	Deploring European Community's premature decision to lift South African sanctions
8.	GA/AP/2019 (23 April 1991)	Announcing 1991 Register of Sports Contacts
9.	GA/AP/2020 (6 May 1991)	Announcing Symposium on Cultural and Academic Links with South Africa
10.	GA/AP/2021 and Rev.1 (8 May 1991)	Expressing grave concern at failure of authorities to establish climate for negotiations
11.	GA/AP/2022 (14 May 1991)	Recommending continued cultural and academic pressure on South Africa
12.	GA/AP/2024 (17 May 1991)	Regretting guilty verdict and jail sentence imposed on Winnie Mandela
13.	GA/AP/2025 (21 May 1991)	Expressing deep concern over deteriorating physical condition of South African political prisoners on hunger strike
14.	GA/AP/2026 (5 June 1991)	Announcing Conference on Eastern European Support for Democracy and Development in Southern Africa to be held in Prague
15.	GA/AP/2028 (12 June 1991)	Observance of Soweto Day

16.	GA/AP/2031 and Rev.1 (18 June 1991)	Welcoming repeal of Population Registration Act in South Africa
17.	GA/AP/2032 (19 June 1991)	Announcing International Conference on Educational Needs of Victims of Apartheid
18.	GA/AP/2036 (27 June 1991)	Expressing disappointment at Finland's plan to lift trade sanctions against South Africa
19.	GA/AP/2039 (11 July 1991)	Regretting United States' premature lifting of sanctions against South Africa
20.	GA/AP/2040 (11 July 1991)	Calling "premature" decision of International Olympic Committee to readmit South Africa
21.	GA/AP/2041 (24 July 1991)	Expressing no surprise at revelations of secret funding for subversive activities by South African authorities
22.	GA/AP/2042 (5 August 1991)	Observance of International Day of Solidarity with the Struggle of Women in South Africa
23.	GA/AP/2045 (19 August 1991)	Welcoming agreement on South African exiles and refugees
24.	GA/AP/2046 (28 August 1991)	Criticizing Deutsche Bank plan to issue public bond for South Africa
25.	GA/AP/2048 (10 September 1991)	Deploring recent violence in South Africa
26.	GA/AP/2049 (19 September 1991)	Commending signing of South African Peace Accord on violence and urging full compliance
27.	GA/AP/2050 (27 September 1991)	Expressing "concern" at Austria's suspension of sanctions against South Africa
28.	GA/AP/2051 (4 October 1991)	Welcoming awarding of 1991 Nobel Literature Prize to South African novelist Nadine Gordimer
29.	GA/AP/2052 (8 October 1991)	Marking Day of Solidarity with South African Political Prisoners
30.	GA/AP/2056 (23 October 1991)	Calling on Japan to re-evaluate decision to lift economic sanctions against South Africa

ANNEX III

List of documents

A/AC.115/L.672	Report on consultations with non-governmental organizations and anti-apartheid movements, Geneva, 18 and 19 October 1990
A/AC.115/L.673	Messages received on the occasion of the Day of Solidarity with South African Political Prisoners
A/AC.115/L.674	Messages received on the occasion of the International Day for the Elimination of Racial Discrimination
A/AC.115/L.675	Interim report of the Special Committee against Apartheid
A/AC.115/L.676	Messages received on the occasion of the International Day of Solidarity with the Struggling People of South Africa (Soweto Day)
A/AC.115/L.677	Report of the Symposium on Cultural and Academic Links with South Africa, Los Angeles, 11 and 12 May 1991
A/AC.115/L.678	Report of the International Conference on the Educational Needs of the Victims of Apartheid in South Africa, Paris, 25-27 June 1991
A/AC.115/L.679	Messages received on the occasion of the International Day of Solidarity with the Struggle of Women in South Africa
A/AC.115/L.680	Report on the participation of the Special Committee against Apartheid in the 48th National Conference of the African National Congress of South Africa, Durban, 2-6 July 1991

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